

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE IX “IMPACT FEES,” SECTION 2-2192, “ADMINISTRATIVE PETITIONS FOR IMPACT FEE DETERMINATIONS, REFUNDS AND CREDITS,” CLARIFYING THAT IMPACT FEE CREDITS CAN BE TRANSFERRED TO ANY PROPERTY WITHIN THE IMPACT FEE DISTRICT; PROVIDING APPLICABILITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 2-2192 of the Code of the City of Coral Gables (City Code) provides that where an applicant elects to construct or dedicate all or a portion of a system improvement, it may, if all criteria in the regulations related to impact fees are met, be granted an impact fee credit; and

WHEREAS, in the 2020 Florida Legislative Session, Section 163.31801 (8), Florida Statutes was amended to provide that “[i]mpact fee credits are assignable and transferable at any time after establishment from one development or parcel to another that is within the same impact fee zone or impact fee district...”, and

WHEREAS, it is appropriate to clarify Section 2-2192 of the City Code relating to impact fee credits to make it consistent with Florida Law.

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 Code of Ordinances of the City of Coral Gables is hereby amended as follows¹:

ARTICLE IX. - IMPACT FEES

Sec. 2-2192. - Administrative petitions for impact fee determinations, refunds and credits.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

(d) *Petition for credits against impact fees.*

- (1) Any applicant, as defined in this article, who elects to construct or dedicate all or a portion of a system improvement, as defined in this article, or, who escrows money with the city for the construction of a system improvement, may, if all criteria in this article and this subsection (d) are fulfilled, be granted a credit for such contribution against the impact fees otherwise due for the same type of system improvement. The applicant must, prior to the applicant's construction, dedication or escrow of the system improvement, submit a petition on a form provided by the city, obtain a determination of credit eligibility and the amount of any credit, and enter into a credit agreement with the city.
- (2) The petition for credit shall contain, at a minimum, the following: a certified copy of the most recently recorded deed for the subject property, preliminary engineering plans and certified costs estimates by an architect, engineer or other appropriate professional for the proposed improvement, legal description of any land proposed to be contributed, proposed schedule for completion of any construction/dedications, identification of the proposed improvement in the current adopted city CIP and the amount of impact fee funding for the improvement, and identification in detail of the development against which the credits are to apply or which will pay the impact fees to be used for the credit, including the land use type(s), number of units/gross floor area, anticipated development schedule, and legal descriptions of the subject property. The applicant/petitioner shall be responsible for all costs incurred by the city in reviewing and evaluating the petition, including but not limited to, staff time and costs of outside consultants used at the discretion of the city. Failure to timely file a petition for impact fee determination shall waive any right to challenge, review or recalculate the impact fee payment. Any appeal of petition determinations on credits must be filed, heard, and determined prior to the applicant's construction, dedication or escrow for which the credit is requested. Failure to timely file a petition for impact fee credits shall waive any right to impact fee credits. Credits approved through this petition process may be assigned and transferred to another property within the impact fee district regardless of the ownership of such property, provided that there is a recorded agreement reflecting the transfer of the credit. A certified copy of such recorded agreement shall be submitted to the City prior to the City's acceptance of the transfer of the impact fee credits.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2020.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY