

**CITY OF CORAL GABLES, FLORIDA**

**EMERGENCY ORDINANCE NO. 2009-52**

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION AMENDING IN PART CHAPTER 2, ARTICLE IX OF THE CORAL GABLES CITY CODE ("CITY CODE"), THE CITY OF CORAL GABLES DEVELOPMENT IMPACT FEE ORDINANCE; PROVIDING AUTHORITY FOR DEVELOPMENT INCENTIVES THROUGH DEFERRAL OR WAIVER OF IMPACT FEES; FURTHER PROVIDING FOR WAIVER OF REQUIREMENT THAT SAID ORDINANCE BE READ ON TWO SEPARATE DAYS PURSUANT TO SECTION 13 OF CITY OF CORAL GABLES CHARTER; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Coral Gables, Florida (hereinafter "City") is experiencing development and redevelopment which generates a need for additional public facility capacity and capital equipment; and

**WHEREAS**, the City Commission of the City of Coral Gables (hereinafter "Commission") has determined that impact fees are a needed mechanism to help the City address the cost of providing public facilities needed to accommodate new development; and

**WHEREAS**, the Commission has determined that the imposition of impact fees at the time of certificate of occupancy may hinder certain types of development that fulfill a public purpose and that incentives to encourage such development serves a public purpose; and

**WHEREAS**, the Commission has determined that providing authority for certain incentives for development in relation to impact fees will balance the need for funding of public facilities with the need for development that fulfills a public purpose; and

**WHEREAS**, the Commission has determined that adoption of this ordinance is an emergency for purposes of waiving second reading pursuant to Section 13 of the City of Coral Gables Charter and Florida Statutes, Chapter 166; and

**WHEREAS**, the City has noticed, advertised, scheduled and held a public hearing in compliance with Florida Statutes and Section 13 of the City of Coral Gables Charter on this proposed emergency ordinance; and

**WHEREAS**, the Commission, after hearing from the public as well as from staff and professional consultants, has determined that it is necessary to adopt and implement the proposed emergency ordinance in order to protect public health, safety and welfare and to promote the public interest;

**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.** Section 2-2102, Findings, of the City Code is hereby amended in part as specifically set forth as follows:

**Sec. 2-2102. Findings.**

The City Commission of Coral Gables, Florida (hereinafter "Commission") hereby finds and declares that:

\* \* \*

(p) The Commission has determined that the imposition of the full burden of impact fees at the time of certificate of occupancy for certain development that fulfills a public purpose may impede such development.

(q) The Commission has determined that certain types of development, to be defined in a separate resolution or ordinance, fulfill a public purpose and may be encouraged through impact fee incentives, including the deferral or waiver of impact fees.

**SECTION 3.** Section 2-2104, Authority, of the City Code is hereby amended in part as specifically set forth as follows:

**Sec. 2-2104. Authority.**

In the creation of the Impact Fees, the Commission is exercising its Charter home rule powers and its local authority, including police powers, pursuant to Article VII, sections 1(f), 1(g) and 2(b) of the Florida Constitution; the Municipal Home Rule Powers Act, ch. 166, F.S., as amended. The aforementioned provisions authorize and require the City: to provide and finance public facilities; to provide for the health, safety and general welfare of the City; to coordinate the provision of adequate public facilities with land development; and to implement its Comprehensive Plan. Furthermore, the Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3202(3), F.S., encourages the use of innovative land development regulations, including Impact Fees, and section 166.04151, F.S. specifically authorizes municipalities to adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing. The Commission may, by separate resolution or ordinance, provide incentives for development that is determined by the Commission to fulfill a public purpose through the deferral or waiver of payment of impact fees imposed under this Article. The provisions of this article shall not be construed to limit the scope of the City's power necessary to accomplish any of these purposes.

**SECTION 4.** That the City Commission does hereby declare this Ordinance an emergency for purposes of waiving second reading in accordance with Section 13 of the City Charter and Florida Statutes, Chapter 166.

**SECTION 5.** That the provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

**SECTION 6.** That should any sentence, clause, part or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this article as a whole, or any part thereof other than the part declared to be invalid.

**SECTION 7.** That It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

**SECTION 8.** The amendments to Chapter 2, Article IX of the City Code as presented in this Ordinance shall be effective immediately upon the date of its passage and adoption in accordance with applicable laws and Section 13 of the City of Coral Gables Charter.

PASSED AND ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER, A.D., 2009.


(Moved: Anderson / Seconded: Kerdyk)

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

(Unanimous: 5-0 Vote)

(Agenda Item: E-8.1)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOELMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY