CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-02

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA REPEALING CHAPTER 101, ARTICLE V OF THE CORAL GABLES CITY CODE, ENTITLED "CONCURRENCY MANAGEMENT PROGRAM," PROVIDING FOR THE REMOVAL OF DUPLICITOUS AND OUTDATED REGULATIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's concurrency management regulations are currently found in both Chapter 101, Article V of the Coral Gables City Code and Article 3, Division 13 of the Zoning Code; and,

WHEREAS, the City's concurrency management regulations were most recently updated in the Zoning Code as part of the Zoning Code rewrite; and,

WHEREAS, in order to preclude potentially conflicting sets of regulations, the City wishes to repeal Chapter 101, Article of the Coral Gables City Code, entitled "Concurrency Management Program;" and,

WHEREAS, at the November 14, 2007 Planning and Zoning Board meeting, the Planning and Zoning Board recommended removal of duplicitous concurrency management regulations (vote: 6-0): and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on December 11, 2007 approved on First Reading the proposed Coral Gables City Code amendment provided herein (vote: 5-0); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on January 8, 2008 approved on Second Reading the proposed Coral Gables City Code amendment provided herein (vote: 4-0).

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. Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," is hereby repealed as follows:

~~*"ARTICLE V. CONCURRENCY MANAGEMENT PROGRAM*~~

~~***Sec. 101-121. Legislative intent.***~~

~~*(a) It is the intent of this article to ensure that the public facilities and services needed to support development are available concurrent with the impacts of such development. Except as otherwise provided herein, no development order shall be issued which would result in a reduction in the levels of service for public facilities and services below the levels of service adopted in the city comprehensive plan.*~~

~~*(b) Nothing in this article shall be construed to be inconsistent or in conflict with the legislative intent of the city comprehensive plan, and said legislative intent is incorporated by reference and made a part of this article.*~~

~~*(Code 1991, § 7.5-1; Ord. No. 3013, § 1, 12-8-1992)*~~

~~***Sec. 101-122. Definitions.***~~

~~*The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:*~~

~~*Adopted levels of service means the levels of service for public facilities and services adopted in the city comprehensive plan.*~~

~~*Concurrency statements means written reports issued by the city building and zoning department summarizing existing and anticipated levels of service and available capacities for public facilities and services. Concurrency statements include:*~~

~~*(1) Concurrency information statements. A concurrency information statement shall be provided to members of the public, upon request, to transmit information regarding the current status of levels of public facilities and services in a particular area at the time of the statement's issuance. A concurrency information statement shall also be provided to applicants for initial development orders.*~~

~~*(2) Concurrency impact statements. Concurrency impact statements shall be provided for all requests for intermediate and final development orders. These statements shall analyze whether public facilities and services meet or exceed adopted levels of service and whether the requested development, if approved, would result in a reduction in levels of service for public facilities and services below adopted levels of service.*~~

~~*(3) Concurrency compliance statements. A concurrency compliance statement shall be issued prior to final action on a final development order application and shall confirm that public facilities and services meet or exceed adopted levels of service and that the requested development, if approved, would not result in a reduction in levels of service for public facilities and services below adopted levels of service.*~~

~~*Department means the city building and zoning department.*~~

~~*Development means the carrying out of any building activity, or the making of any material change in the use or appearance of any structure or land.*~~

~~*Development order means any order granting, denying, or granting with conditions any application for any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance or any other official action having the effect of permitting the development of land.*~~

~~*Enforceable development agreement means any agreement pursuant to F.S. §§ 163.3220--163.3243, or agreement or development order issued pursuant to F.S. ch. 380 or agreement, covenant or declaration of restrictions accepted or entered into by the city.*~~

~~*Final development order means any permit authorizing construction of a new building, or the expansion of floor area, or the increase in the number of dwelling units contained in an existing building, or modifications to an existing building or site to accommodate a change in use for which a new certificate of use and occupancy will be required or any certificate of use and occupancy authorizing a change in the use or authorizing the initial use of a parcel or structure or portion thereof where there is no other final developmentorder in effect, reviewed and approved in accordance with this article, authorizing said use.*~~

~~*Initial development order means any development order which does not contain a specific plan of development which includes densities and intensities of development as specified in the concurrency manual.*~~

~~*Intermediate development order means any development order other than a final development order which contains a specific plan for development, including the densities and intensities of development, as specified in the concurrency manual.*~~

~~*Levels of service means the extent or degree of capacity per unit of demand for a public facility. Public facilities and services means major capital improvements and services for which level of service standards have been adopted in the city comprehensive plan including transportation, sanitary sewer, solid waste, drainage, potable water, and parks and recreation.*~~
~~*(Code 1991, § 7.5-2; Ord. No. 3013, § 1, 12-8-1992)*~~

~~*Sec. 101-123. Responsibilities of the building and zoning department.*~~
~~*(a) The department shall be the agency responsible for coordination of the city concurrency management program. The following city and county departments or their successors shall serve as the Concurrency Review Agencies which shall assist the department in implementing these regulations. Except where otherwise noted, the departments listed below shall be those of the city:*~~
~~*(1) Public works.*~~
~~*(2) Parks and recreation.*~~
~~*(3) Fire.*~~
~~*(4) Metropolitan Dade County Department of Environmental Resources Management.*~~
~~*(5) Metropolitan Dade County Department of Solid Waste Management.*~~
~~*(b) The department shall regularly monitor the levels of service and available capacity of public facilities and services. The department shall also be responsible for maintaining and furnishing information, upon request, regarding capacities and levels of service of public facilities and services.*~~
~~*(c) The department may designate geographic areas of the city where certain public facilities and services have sufficient surplus capacity to sustain projected development of specified types for one to five or more years as applicable to the service. In areas so designated as having surplus capacity, concurrency statements for initial, intermediate or final development orders may be issued without requiring individual concurrency review. All surplus capacity designations shall be reviewed and revalidated no less frequently than annually.*~~
~~*(d) The methodologies to be used by the department in preparing concurrency statements and in evaluating applications for development orders for compliance with the concurrency review criteria shall be contained in the concurrency manual.*~~
~~*(Code 1991, § 7.5-3; Ord. No. 3013, § 1, 12-8-1992)*~~

~~***Sec. 101-124. Concurrency review procedures.***~~
~~*(a) Applicants for development orders shall include with each application a statement identifying whether the application contains a specific plan for development and, if so, specifying the densities or intensities of development, or both. The specific uses to which the land or structures will be put, the number of single-family and multifamily dwelling units, the number of square feet devoted to each nonresidential use or other information required by the department shall be specified in the application. The statement may include the phasing of the development, if applicable, and may specify any conditions or commitments to which the applicant will agree in order to mitigate the impacts of the proposed development on public facilities and services. The department shall prescribe forms for submittal of information required by this subsection.*~~
~~*(b) The department shall review each application for a development order and shall determine whether the application:*~~
~~*(1) Requests approval of an initial, intermediate or final development order; or*~~
~~*(2) Would have no impact or would have impacts on levels of service that fall below thresholds for public facilities and services prescribed in the concurrency manual.*~~
~~*(c) Applications for development orders which would have no impact or would have impacts on adopted levels of service which fall below the thresholds for public facilities and services shall not be subject to concurrency review and shall not require the preparation of a concurrency statement. The department shall furnish a statement of no impact to the person, board or agency responsible for the issuance of the development order and to the applicant. Said statement shall be valid for a period not to exceed one year from its issuance. In no instance shall this time limitation be construed to affect other time frames for permit issuance or expiration and for development as prescribed in the city Code.*~~
~~*(d) Initial development orders shall be subject to the following provisions:*~~
~~*(1) The department shall prepare a concurrency information statement prior to the issuance of any initial development order. The concurrency information statement shall be furnished to the person, board or agency responsible for the issuance of the initial development order and to the applicant.*~~

~~(2) The purpose of the concurrency information statement is to provide general information and guidance regarding the available capacity of public facilities and services. The concurrency information statement does not ensure that capacity will be available at the time the issuance of an intermediate or final development order is requested, nor does it obviate the need for concurrency review prior to the issuance of an intermediate or final development order. A concurrency information statement should not be construed to be an act of governmental approval upon which an applicant may rely in order to assert a claim for vested rights.~~

~~(e) Intermediate development orders shall be subject to the following provisions:~~

~~(1) The department shall evaluate each application for an intermediate development order on the basis of the concurrency review criteria contained in section 101-125. The department shall determine whether or not a proposed development would result in a reduction in levels of service for public facilities and services below adopted levels of service and shall issue a concurrency impact statement to the applicant.~~

~~(2) If the concurrency impact statement indicates that the proposed development would not result in a reduction in adopted levels of service, said statement shall be furnished to the person, board or agency responsible for the issuance of the intermediate development order, and the intermediate development order may be issued. If the concurrency impact statement indicates that the requested intermediate development order cannot be issued because the proposed development would result in a reduction in adopted levels of service, the applicant may modify the application, submit an enforceable development agreement or the intermediate development order may be issued subject to appropriate conditions. Such modifications, agreements or conditions shall ensure that the necessary public facilities and services shall be available concurrent with the impacts of development. The concurrency impact statement shall specify the modifications, agreements or conditions which shall be satisfied prior to the issuance of an intermediate development order or final development order or both. The concurrency impact statement shall be furnished to the applicant and to the person, board or agency responsible for the issuance of the intermediate development order and shall be made a part of the intermediate development order. Alternatively, the applicant may seek relief from the provisions of this article by invoking the administrative remedies set forth in section 101-128.~~

~~(3) Upon payment of a fee prescribed in the concurrency manual, the holder of an affirmative intermediate development order may reserve capacity for up to 12 months for the approved project by the city's issuance of a document signifying capacity reservation. This fee payment and capacity reservation is optional and is not required of recipients of affirmative intermediate development orders. Failure to pay the necessary fee and obtain a capacity reservation forfeits any right of reliance upon an affirmative intermediate development order to ensure service capacity availability and reservation. Such reservation shall ensure that the city does not permit other development which would result in a reduction in levels of service for public facilities and services below the adopted levels of service during the period of reservation. In no instance shall the above time frames for concurrency compliance and reservations be construed to affect other time frames for permit issuance or expiration and for development as prescribed in the city Code.~~

~~(4) Applicants filing complete applications for issuance of a final development order within 12 months from the date of issuance of an intermediate development order shall be exempt from the requirement of further concurrency review (but not exempt from the payment of any applicable administrative fee set forth in the concurrency manual), provided that: (a) no significant changes have been made to the proposed development from the approved intermediate development order; (b) all modifications, agreements, or conditions of the concurrency impact statement, if applicable, have been satisfied; and (c) the city has reserved capacity for the development pursuant to subsection (e)(3) of this section. In the absence of these provisions, the applicant is not entitled to rely upon an intermediate development order for concurrency compliance, and must follow prescribed procedures for the issuance of a concurrency compliance statement.~~

~~(f) Final development orders shall be subject to the following provisions:~~

~~(1) With the exception of final development orders for which applications have been timely filed and capacities have been reserved pursuant to subsections (e)(3) and (e)(4) of this section, or certificates of use and occupancy as described in subsection (f)(3) of this section, the department shall evaluate each application for a final development order on the basis of the concurrency review criteria contained in section 101-125. The department shall determine whether or not the proposed development would resultin a reduction in levels of service for public facilities and services below adopted levels of service and shall issue a concurrency compliance statement to the applicant. If the~~

~~concurrency compliance statement indicates that the issuance of the proposed final development order would not result in a reduction in levels of service for public facilities and services below adopted levels of service, the concurrency compliance statement shall be furnished to the person, board or agency responsible for the issuance of the final development order and the final development order may be issued.~~

~~(2) If the concurrency impact statement indicates that the requested final development order cannot be issued because the proposed development would result in a reduction in adopted levels of service, the applicant may modify the application, submit an enforceable development agreement, or the final development order may be issued subject to appropriate conditions. Such modifications, agreements or conditions shall ensure that the necessary public facilities and services shall be available concurrent with the impacts of development. The concurrency impact statement issued in conjunction with a final development order application shall specify any modifications, agreements, or conditions which shall be satisfied prior to the issuance of a building permit or certificate of use and occupancy or both. The concurrency impact statement issued in conjunction with a final development order application shall be furnished to the applicant and to the person, board or agency responsible for the issuance of the final development order. Alternatively, the applicant may seek relief from the provisions of this article by invoking the administrative remedies set forth in section 101-128, herein.~~

~~(3) Except where applicants have obtained a vested rights determination pursuant to section 101-128, herein, or the final development order application has been deemed exempt from the requirement of a concurrency compliance statement, all applications for final development orders must obtain written confirmation that all required levels of service for public facilities and services have been satisfied. Required modifications and/or conditions noted in previously issued concurrency statements must be satisfied prior to the issuance of a concurrency compliance statement. If the property for which application for a final development order is made holds an expired reservation that was previously of record in accordance with subsection (e) of this section, the applicant must obtain an updated concurrency impact statement and is not entitled to rely on said expired reservation. At the time of the issuance of a final development order building permit, the permit holder shall be automatically required to pay a fee prescribed in the concurrency manual to reserve service capacities for a period of 12 months from the date of final permit issuance, unless the building permit lapses in accordance with other city regulations. In addition, the holder of an affirmative final development order may extend service capacity reservations for an additional 12 months in accordance with the fees and terms prescribed in the concurrency manual.(4) Certificates of use and occupancy may be issued without the requirement for further concurrency review where the applicant for the certificate of use and occupancy holds a valid, unexpired building permit for the identical use of the subject structure or site or pertinent portion thereof; provided said building permit is not subject to an enforceable development agreement or other conditions requiring the applicant to provide or contract for the construction of necessary public services and facilities or other appropriate service impact mitigation measures. Where the building permit is subject to such enforceable development agreement or appropriate conditions, no certificate of use and occupancy shall be issued until the department determines that all agreements and conditions have been satisfied.~~

~~(Code 1991, § 7.5-4; Ord. No. 3013, § 1, 12-8-1992)~~

~~**Sec. 101-125. Concurrency review criteria.**~~

~~(a) The public facilities and services needed to support development shall be deemed to be available concurrent with the impacts of development if the following criteria are satisfied:~~

~~(1) The necessary public facilities and services are in place at the time a final development order issues; or~~

~~(2) A final development order is issued subject to the condition that the required public facilities and services will be in place when the impacts of the development occur; or~~

~~(3) The necessary public facilities are under construction at the time the final development order is issued and such construction is the subject of enforceable assurance that it shall be completed and serviceable without unreasonable delay; or~~

~~(4) The necessary public facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the final development order is issued; or~~

~~(5) The necessary public facilities are funded and programmed for implementation in the capital improvements element of the comprehensive plan for construction in year one of the city's adopted capital budget, or similarly adopted budget of other government agencies; or~~
~~(6) The necessary traffic circulation and mass transit facilities or services or both are programmed in the capital improvements element of the comprehensive plan for construction in or before year three of the city's adopted budget or similarly adopted budget of other governmental agencies including the county's capital budget or the state agency having operational responsibility for affected facilities; in all cases, such facilities must be committed for construction in or before year three; or~~

~~(7) The necessary public facilities and services are guaranteed in an enforceable development agreement to be provided by the developer. An enforceable development agreement may include but is not limited to development agreements pursuant to F.S. §§ 163.3220--163.3243 or an agreement or development order issued pursuant to F.S. ch. 380; or~~
~~(8) Timely provision of the necessary public facilities and services will be guaranteed by some other means or instrument providing substantially equivalent assurances; and~~
~~(9) In all instances where a decision to issue a building permit is based on the foregoing subsections (5), (6) or (7), the following conditions shall apply:~~
~~a. The necessary public facilities and services shall not be deferred or deleted from the capital improvements element of the comprehensive plan work program or adopted one year capital budget unless the dependent final development order expires or is rescinded prior to the issuance of a certificate of use and occupancy;~~
~~b. The public facilities and services necessary to serve development must be contracted for construction no later than 36 months after the date that the initial certificate of use and occupancy is issued for the dependent development; and~~
~~c. Construction of the necessary public facilities and services must proceed to completion with no unreasonable delay or interruption.~~
~~(b) In determining the availability of public facilities and services, the applicant may propose and the city may approve development in stages or phases so that the public facilities and services needed for each stage or phase will be available in accordance with the criteria required by this article.~~
~~(Code 1991, § 7.5-5; Ord. No. 3013, § 1, 12-8-1992)~~

~~**Sec. 101-126. Concurrency manual.**~~
~~The department shall promulgate and maintain a concurrency manual which shall contain the administrative procedures and fees to be applied in the implementation of this article. The concurrency manual shall include:~~
~~(1) Examples of preliminary, intermediate and final development orders.~~
~~(2) Examples of development orders which would have no impact or which would have impacts on levels of service which fall below the thresholds for public facilities and services.~~
~~(3) The methodologies to be used by the department in monitoring available capacity of public facilities and services and in preparing concurrency statements.~~
~~(4) The methodologies to be used by the department in evaluating applications for development orders for compliance with the concurrency review criteria.~~
~~(5) The methodologies to be used by the department in identifying geographic areas having surplus capacity for certain public facilities and services.~~
~~(6) The time frames within which the department and the applicant must complete any action which is required by this article.~~
~~(7) An administrative fee schedule.~~
~~(8) Examples of exceptions from concurrency review requirements.~~
~~(9) Procedures for exhaustion of administrative remedies.~~
~~(Code 1991, § 7.5-6; Ord. No. 3013, § 1, 12-8-1992)~~

~~**Sec. 101-127. Exceptions.**~~
~~(a) Nothing in this article shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to F.S. ch. 380 or who has been issued a building permit prior to the effective date of this article and development has commenced and is continuing in good faith.~~

~~*(b) Applications requesting modification, alteration, repair or change of use of a lawfully existing structure or land use shall not be required to comply with the concurrency review criteria, where one or more services are operating below level of service standards, provided that the department states in writing that the impact on the substandard service imposed by the use to be accommodated by the requested modification, alteration, repair or change of use will be no greater than the impact posed by the mostrecent lawful use accommodated by said structure and, therefore, will not result in a further reduction in the level of service.*~~
~~*(Code 1991, § 7.5-7; Ord. No. 3013, § 1, 12-8-1992)*~~

~~***Sec. 101-128. Exhaustion of administrative remedies.***~~
~~*(a) Nothing contained in this article shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation (hereinafter "taking") or the abrogation of validly existing vested rights. It shall be the duty and responsibility of the party alleging a taking or vested rights to affirmatively demonstrate the legal requisites of a taking or vested rights. Rights shall vest upon a demonstration to the person, board or agency responsible for the issuance of a requested development order that the provisions of this subsection apply or that the party claiming vested rights has: (1) relied in good faith; (2) upon some act or omission of the government; and (3) has made such a substantial change in position or incurred such extensive obligations and expenses to his detriment, that it will be highly inequitable to deny relief. The mere existence of zoning shall not be determined to vest rights. To establish a taking, the burden shall be upon the party asserting the claim todemonstrate that denial of the application will deny the applicant all beneficial use of the property; and that no variances, alternative uses or other forms of relief are available which could, if approved, afford the applicant a beneficial use of the property. Mere diminution in property value shall not constitute a temporary or permanent taking of private property.*~~
~~*(b) Notwithstanding any contrary provisions of any ordinance of the city, no applicant claiming that this article as applied to a particular development order constitutes or would constitute a taking or an abrogation of vested rights may pursue such claim in court or before a judicial body unless he has first exhausted the administrative remedies provided in this article and in the concurrency manual.*~~
~~*(c) Any applicant alleging that this article as applied to a particular development order constitutes or would constitute a taking or an abrogation of vested rights must affirmatively demonstrate the legal requisites of the claim by exhausting the administrative remedy provided in this section. Any applicant making such a claim shall file a notice of invoking administrative remedy, together with an appropriate filing fee pursuant to the procedure and within the time frames set forth in the concurrency manual. No oral testimony or written reports or documents in support of any argument that this article as applied to a particular development order constitutes or would constitute a taking or an abrogation of vested rights shall be considered as evidence at any public hearing unless the applicant has exhausted, in a timely manner, the administrative remedies set forth in this article and in the concurrency manual; provided, however, that where an applicant has failed to timely invoke and exhaust his administrative remedies pursuant to this section, the person, board or agency responsible for the issuance of the development order may defer action on an application for a development order to avoid a manifest injustice and to provide adequate time for administrative review of the claim by the city officials designated in the concurrency manual or, in the event of an application initiated by a party other than the affected property owner, to provide adequate time for the property owner to invoke the administrative remedyand adhere to the time schedules provided in this article and in the concurrency manual.*~~

~~*(d) Claims of a taking or abrogation of vested rights are limited solely to extreme circumstances rising to the level of a potential denial of rights under the Constitution of the United States or the state. The procedures provided for herein demonstrating such a taking or abrogation of vested rights are not intended to be utilized routinely or frivolously, but only in the extreme circumstances described previously. The claimant or the attorney for the claimant shall exercise due diligence in the filing and argument of any statements, notice of invoking administrative remedy or other claim for a taking or abrogation of vested rights. The signature of the claimant or the attorney for the claimant upon any document in connection with the claim of taking or abrogation of vested rights shall constitute a certificate that the person signing has read the document and that to the best of his knowledge it is supported by good grounds in that it has not been presented solely for delay. The claimant and the attorney for the claimant shall have a continuing obligation throughout the proceeding to correct any*~~

~~*statement or representation found to have been incorrect when made or which becomes incorrect when made or which becomes incorrect by virtue of changed circumstances. If a claim of taking or abrogation of vested rights is based upon facts that the claimant or the attorney for their claimant knew or should have known was not true; or frivolous or filed solely for purposes of delay, the appropriate person, board or agency shall make such a finding and may pursue any remedy or impose any penalty provided by law or ordinance.*~~

~~*(e) Notwithstanding any contrary provisions of article XXVI (appeals) of the zoning code of the city, an appeal of an administrative decision rendered pursuant to this section shall be taken directly to the city commission and not to the board of adjustment. Any aggrieved person desiring to appeal an administrative decision rendered pursuant to this section shall file a written notice of appeal with the city clerk within 14 days from the date of such administrative decision. It shall be the duty of the city clerk to send the written notice of such appeal to all persons previously notified of the application invoking administrative remedies. The matter shall then be heard by the city commission at its next meeting, provided at least ten days has intervened between the time of the filing of the notice of appeal and the date of such meeting; if ten days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next following regular meeting of the city commission and the city commission shall render a decision without any unnecessary or undue delay. The application shall not be considered final until a decision is rendered by the city commission. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the city commission. Any appeal may be approved by a majority vote of the city commission. The granting of any appeal by the city commission shall be by resolution. (Code 1991, § 7.5-8; Ord. No. 3013, § 1, 12-8-1992)"*~~

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, the Coral Gables Zoning Code, or the Coral Gables City 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 the Coral Gables City Code, 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. This ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF JANUARY, A.D., 2008.
(Moved: Anderson/ Seconded: Withers)
(Yeas: Anderson, Cabrera, Withers, Slesnick)
(Absent: Kerdyk)
(Majority (4-0) 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