



**City of Coral Gables**  
**CITY COMMISSION MEETING**  
**November 17, 2009**

**ITEM TITLE:**

**Ordinance on First/Second Reading.** An Emergency Ordinance of the City Commission of Coral Gables, Florida 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.

**RECOMMENDATION OF THE CITY MANAGER:**

Approval.

**BRIEF HISTORY:**

At the 07.07.2009 City Commission meeting, the Commission requested the preparation of supplemental language for insertion into the City Code that would allow for the waiver and/or deferral of City impact fees for the delivery of subsidized housing units. This request was prompted by the Lola B. Walker (LBW) Homeowners Foundation of Coral Gables request to waive all City permit, impact and variance fees for two affordable housing units to be built in the historic McFarland Homestead District. The City Commission via Resolution No. 2009-197 granted "deferring payments of impact fees" for two homes.

The deferral granted by the City Commission applies to 2 single family units (Lot 3 and Lot 21, Block 2-A, Macfarlane Homestead) at a cost of \$13,216.00 per unit or total of \$26,432.00 dollars.

Pursuant to the Commission's request, City staff and outside legal counsel prepared City Code language to create a subsidized housing impact fee incentive program. To implement the program, two legislative actions are necessary, adoption of an ordinance providing for changes to the City Code, and adoption of a Resolution providing for application procedures, reporting, recording of restrictive covenants, etc. Adoption of these two items will authorize deferral of impact fees due on new subsidized housing units currently under construction by LBW. Outside legal counsels memorandum providing further explanation of the legislation is attached as Exhibit A. LBW and City Staff will be meeting to finalize the Resolution which outlines application procedures, reporting, etc., therefore, the Resolution will be scheduled for City Commission consideration on 12.15.2009.

LBW has asked that the Ordinance be passed as an Emergency Ordinance due to an upcoming/pending closing of the properties. The Emergency Ordinance provides for a waiver of the requirement that the Ordinance be read on two separate days. This requires a four-fifths vote of the City Commission. See Exhibit A for 07.07.2009 City Commission Agenda Packet and Exhibit B for LBW Foundation Resolution No. 2009-197.

**LEGISLATIVE ACTION:**

Date	Resolution/Ordinance No.	Comments
07.07.2009	Resolution No. 2009-197	Deferred payments of impact fees for two residences.

**OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):**

Date	Board/Committee	Comments (if any)
N/A		

**PUBLIC NOTIFICATION(S):**

Date	Form of Notification
11.06.2009	Published Agenda Title of Emergency Ordinance in newspaper.
11.13.2009	Posted City Commission memo and all attachments on City web page.

**APPROVED BY:**

Department Director	City Attorney (If Applicable)	City Manager
 Eric Riel, Jr. Planning Director		

**EXHIBIT(S):**

- A. Outside Legal Counsel Memorandum and Proposed Ordinance.
- B. 07.07.2009 City Commission Agenda Packet – LBW Foundation.
- C. Approved Resolution No. 2009-197.