

**City of Coral Gables
Planning Department Staff Report**

To: Planning and Zoning Board Members

From: Planning Department

Date: May 28, 2008

Subject: **Zoning Code Text Amendment – Transitional Rules.** 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.

Recommendation

The Planning Department recommends approval of the amendment to Zoning Code Section 1-108, “Transitional rules”, providing for the granting of one six (6) month extension to the eighteen (18) month transition period for projects approved prior to the adoption of the new Zoning Code, as follows:

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” 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.

A draft Ordinance is provided as Attachment A.

Zoning Code Text Amendment – Transitional Rules

May 28, 2008

Page 2 of 3

Background

The new Zoning Code was adopted on January 9, 2007 and as a part of this adoption transitional rules were put in place to allow 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. This allows projects in transition the opportunity to develop under the previous zoning code (a.k.a. "Archived Zoning Code").

The intent of this text amendment is to provide for the opportunity of applicants/property owners to extend the 18 month timeframe an additional 6 months upon subject to evaluation by the City Manager. Requests for extension must be field with the City Manager prior to July 9, 2008.

Building and Zoning Departments staff has created a list of projects for which this applies (see Attachment B). The list includes projects that have, in the opinion of City Staff, 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. This does not include the building permit review process, which begins once final BOA/CC approval is secured. This is a different process.

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.

City staff has prepared a "Transition Rule Timeline, provided as Attachment C that provides the specific timeline with the proposed 6 month extension and the standard Building and Zoning Department process timelines.

Public Hearing Timeline

This Zoning Code amendment is under the purview of the Planning and Zoning Board and City Commission since it requires public hearing review. Upon recommendations from the Planning and Zoning Board, the proposed text amendments will proceed forward for public hearing before the City Commission as follows:

City Commission, 1st Reading - 06.03.08, 9:00 a.m.

City Commission, 2nd Reading -06.26.08, 9:00 a.m.

Dates and times are subject to change.

Public Notification

The Planning and Zoning Board meeting agenda, including this public hearing item has been advertised and posted. In addition, Building and Zoning Staff has provided a courtesy notice to the applicants/owners of property potentially affected by this proposed amendment.

Zoning Code Text Amendment – Transitional Rules

May 28, 2008

Page 3 of 3

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- A. Ordinance.
- B. Building and Zoning Department list of potentially affected projects.
- C. Transitional Rules Timeline Illustration

N:\P Z B\Zoning Code Amendments\Transitional rules\05 28 08 transitional rules staff report.doc

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 too 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: __-__): 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: __-__); 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: __-__).

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 ~~strike through~~/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” 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 9. This ordinance shall become effective _____, 2008.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2008.

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY



18 Month Transitional Rule

<i>Address</i>	<i>Name of Project</i>	<i>BOA Approval</i>	<i>Estimated Cost</i>	<i>Transitional Rule Expiration Date</i>
100 Alhambra Cir.	100 Alhambra Tower	5/15/2008 - Pre	\$16 million	July 9, 2008
396 Alhambra Cir.	Alhambra	12/19/06 - Pre 5/08/2008 - Med	\$30 million	July 9, 2008
285 Aragon Ave.	Gables Museum	12/06/05 - Pre 5/8/2008 - Fin	\$2 million	July 9, 2008
6100 Caballero Blvd.	Gables Waterway	12/21/2006 - Pre 1/17/08 - Med	\$20 million	July 9, 2008
100 Calabria Ave.	Gables Regent	6/9/05 - Pre 9/27/2007 - Fin	\$5 million	July 9, 2008
300 Majorca Ave.	Apartments	4/13/05 - Pre 1/16/08 - Pre Pend. BOA Final	\$1.75 million	July 9, 2008
1505 Ponce de Leon	Plaza Sunrise	6/30/03 - Pre 8/9/2007 - Fin	\$18 million	July 9, 2008
214 Salamanca Ave.	Apts.	12/5/05 - Pre 8/23/07 - Fin	\$1.1 million	July 9, 2008
6901 Yumuri St.	New Riviera Nursing Home	1/30/06 - Pre 4/3/2008 - Fin	\$18 million	July 9, 2008

Transitional Rules Timeline

