

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 14, "PROCESS," SECTION 14-102.3, "MEETINGS; QUORUM; REQUIRED VOTE" TO AMEND THE REQUIREMENT OF FOUR (4) AFFIRMATIVE VOTES FOR RECOMMENDATIONS RELATING TO COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Planning and Zoning Board is tasked with providing recommendations to the City Commission relating to items within their purview and serves as the City's "local planning agency" as set forth in Florida Statutes § 163.174; and

WHEREAS, section 14-102.3 of the City's Zoning Code requires four (4) affirmative votes for the adoption of any motion; and

WHEREAS, section 14-102.3 also provides that in the event that four (4) votes are not obtained, an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation; and

WHEREAS, this provision is at odds with section 163.3174, F.S., which requires that all local planning agency make recommendations to the City Commission regarding the adoption of comprehensive plan amendments ; and

WHEREAS, the City Commission wishes to amend the four (4) affirmative vote requirement for recommendations relating to comprehensive plan amendments; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on October 12, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, had no recommendation (vote: 3 to 3) for the text amendment; and

WHEREAS, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment on Second reading;

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. The Official Zoning Code of the City of Coral Gables is hereby amended to read as follows¹:

Article 14. Process

Section 14-102.3. Meetings; Quorum; Required vote.

B. Quorum; Required Vote. Four (4) members of the Board shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for the adoption of any motion. A vote of less than four (4) members on a motion regarding an application shall be deemed a tie vote. Whenever a tie vote occurs, and no other available motion on the application is made and approved before the next application is called for consideration or before recess or adjournment is called, whichever occurs first, the application shall proceed to the City Commission without a recommendation. A workshop meeting where no business is conducted may be held without a quorum. If only four (4) members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to lack of a quorum, the Chairperson or Secretary of the Board may set a special meeting to consider such matter. In the event that four (4) votes are not obtained an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation, except for items related to an amendment to the Comprehensive Plan. It is provided, that the failure to obtain four (4) affirmative votes to amend the Comprehensive Plan shall be deemed a recommendation of denial of such amendment.

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 “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may

¹ Deletions are indicated by strikethrough. Insertions are indicated by underline.

be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning 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., 2022.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY