



City of Coral Gables
CITY COMMISSION MEETING
November 9, 2022

ITEM TITLE:

Ordinances on Second Reading. Zoning Code Text Amendments.

1. 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.
2. An Ordinance of the City Commission amending the City of Coral Gables Zoning Code Article 15 "Notices", Section 15-104 "Quasi-Judicial Procedures" and amending Section 2-79 of Chapter 2, Article III of the City Code, titled "Order of Business" to clarify definitions of documentary evidence, and amend the Order of Presentation for Quasi-Judicial Hearings, providing for a repealer provision, severability clause, codification, and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board reviewed the proposed text amendment at their 10.12.22 meeting and had the following recommendations:

1. Planning and Zoning Board vote requirement: No recommendation (vote: 3 – 3).
2. Order of Business: Recommended approval (vote: 6 – 0).

BRIEF HISTORY:

No changes have been made to either proposed text amendment since First Reading.

Planning and Zoning Board vote requirement

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. Section 14-102.3 of the City's Zoning Code requires four (4) affirmative votes for the adoption of any motion. 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.

This Zoning Code 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. In order to avoid potential issues in the future, to preserve the

resources of the City, and to be respectful of the time volunteer board members dedicate to serving on the City's Planning and Zoning Board, it is recommended that the four (4) affirmative vote requirement for recommendations relating to Comprehensive Plan amendments be amended.

At their October 12, 2022, meeting, the Planning & Zoning Board discussed at length the proposed text amendment that deems a recommendation of denial if the Board can not obtain 4 affirmative votes. Board members were concerned that a hypothetical vote could be majority in favor of an application (eg. 3-2 for approval), but would move to the City Commission as a recommendation of denial. A motion was made for a recommendation of approval of the proposed text amendment, but resulted in a tie vote or no recommendation (vote: 3-3-).

Order of Business

The Zoning Code contains provisions which govern submission deadlines for quasi-judicial hearing and often times City staff or applicants wish to present demonstrative or visual aids, including PowerPoint presentations which repackage, or duplicate information already timely submitted to the City.

The draft Ordinance for the Planning & Zoning Board vote recommendation is provided as Exhibit A. The draft Ordinance for the Order of Business is provided as Exhibit B.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)

PUBLIC NOTIFICATION(S):

Date	Form of Notification
08.16.22	City Commission meeting agenda posted on City webpage.
09.30.22	PZB Legal Advertisement.
10.07.22	Planning and Zoning Board staff report, legal notice and all attachments posted on City web page.
10.28.22	City Commission legal advertisement.
11.01.22	City Commission meeting agenda posted on City webpage.

EXHIBIT(S):

- A. Draft Ordinance – Planning & Zoning Vote Requirement.
- B. Draft Ordinance – Order of Business.
- C. 10 12 22 PZB Staff Report.
- D. Excerpts from 10 12 22 PZB Meeting Minutes.