

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COMMISSION GRANTING APPROVAL OF PROPOSED AMENDMENTS TO THE TEXT OF THE CITY OF CORAL GABLES COMPREHENSIVE PLAN, PURSUANT TO EXPEDITED STATE REVIEW PROCEDURES (S.163.3184, FLORIDA STATUTES) AND ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-213, "COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS;" TO PROVIDE FOR A PROPERTY RIGHTS ELEMENT WITH GOALS, OBJECTIVES, AND POLICIES; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, *Florida Statutes*, part of the Florida's *Community Planning Act*, requires the City of Coral Gables to maintain a Comprehensive Plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., *Florida Statutes*, requires the City of Coral Gables Comprehensive Plan to include a property rights element; and

WHEREAS, the City of Coral Gables respects judicially acknowledged and constitutionally protected private rights; and

WHEREAS, the City of Coral Gables respects the rights of all people to participate in land use planning processes; and

WHEREAS, this Ordinance will amend the Comprehensive Plan by adding a Property Rights Element; and

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

WHEREAS, to promote public outreach and participation in the public hearing process, the City has provided the following notice: 1) required advertising per State Statutes and Department of Economic Opportunity guidelines; 2) City webpage posting of the public hearing agendas; and 3) electronic mailing to interested parties; and

WHEREAS, the application, legal description, Ordinances, mapping, legal advertising, public comments and all other supporting documentation were available for inspection and review at the City of Coral Gables Planning Division and City Clerk's office; and

WHEREAS, in advance of public hearing consideration, the City’s staff analysis and recommendation are available for inspection at City of Coral Gables Planning Division and City Clerk’s office and available on the City’s Web page at www.coralgables.com for easy retrieval; and

WHEREAS, Comprehensive Plan Text Amendment is proposed in “**Exhibit A**”;
and

WHEREAS, the November 10, 2021, Local Planning Agency (Planning and Zoning Board) meeting was cancelled due to lack of quorum; and

WHEREAS, at a public hearing held on December 8, 2021, the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 7 – 0), finding that the proposed amendments are in furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies and the Zoning Code provisions as subject to all plans, exhibits and descriptions submitted by the applicant; and

WHEREAS, the City Commission held a public hearing on January 11, 2022 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading; and

WHEREAS, amendments to the Comprehensive Plan Text are subject to Expedited State Review and are required to be transmitted to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading; and

WHEREAS, the proposed Comprehensive Plan text amendment was transmitted to the Florida State Department of Economic Department (DEO) on January 21, 2022; and

WHEREAS, the Florida State Department of Economic Department (DEO) reviewed the proposed Comprehensive Plan amendment (Amendment No. 22-01ESR) and have no comment; and

WHEREAS, the City Commission held a public hearing on March 8, 2022 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on second reading;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The requested amendments to the City of Coral Gables Comprehensive Plan as provided below in “**Exhibit A**” are hereby approved:

SECTION 3. The City Commission, pursuant to First Reading approval of the Ordinance authorizes transmittal of the request, as required by State Statutes, to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading.

SECTION 4. All Ordinances or parts of Ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.


SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Coral Gables, Florida, as amended.


SECTION 7. This Ordinance shall become effective 31 days after the Department of Economic Opportunity determines the amendment submittal package is complete and no petition is filed by an affected party. If the Department of Economic Opportunity requests a hearing by the Division of Administrative Hearings, this Ordinance shall become effective upon the issuance of a final order by the Division of Administrative Hearings determining the amendment is in compliance.

PASSED AND ADOPTED THIS EIGHTH DAY OF MARCH, A.D., 2022.
(Moved: Menendez / Seconded: Anderson)
(Yeas: Anderson, Fors, Jr., Menendez, Lago)
(Absent: Mena)
(Unanimous: 4-0 Vote)
(Agenda Item: F-1)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY