

City of Coral Gables Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: June 3, 2009

Subject: **Zoning Code Text Amendment – Historic Preservation Board Quorum.**
An Ordinance of the City of Coral Gables amending Zoning Code Article 2, Division 5, entitled “Historic Preservation Board”, Section 2-503, “Meetings; Quorum; Required vote”, providing for an automatic continuance in the event of a lack of majority vote, providing severability, providing for codification thereof, and providing for an effective date.

Recommendation

The Planning Department in association with the Historical Resources Department recommends approval of the amendment to Zoning Code Article 2, Division 5, entitled “Historic Preservation Board”, Section 2-503, “Meetings; Quorum; Required vote”, providing for an automatic continuance in the event of a lack of majority vote, as provided herein and in the attached Ordinance (see Attachment A).

Background

This request seeks to eliminate an inconsistency in the Zoning Code whereby a tie vote of the Historic Preservation Board automatically returns for reconsideration at the next Board meeting, but a motion that does not achieve a majority (quorum) vote is treated as a failed motion and not required to return to the Board for further consideration. In the event of a non-majority vote, it becomes difficult for an applicant to proceed without Board direction and if the vote is appealed, it is difficult for the City Commission to direct the applicant to a solution.

All Zoning Code text amendments require review and recommendation by the Planning and Zoning Board and approval by the City Commission in ordinance form at two public hearings. Amendments to the existing provisions of the Zoning Code are provided herein, and in the attached Ordinance (see Attachment A), are shown in ~~strike thru~~ / underline format.

Historical Resources Department Staff and the City Attorney's Office will be available at the meeting to address any questions the Board may have and secure further input.

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Specific Amendment

Section 2-503. Meetings; Quorum; Required vote.

- A. *Meetings. The Historic Preservation Board shall hold regular meetings and may hold special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Chairperson and Secretary of the Board.*
- B. *Quorum; Required Vote. Five (5) members of the Board shall constitute a quorum and the affirmative vote of a majority of the full Board shall be required for the adoption of any motion. A workshop meeting where no business is conducted may be held without a quorum. A tie vote or the lack of a majority vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If a matter is postponed due to lack of a quorum, the Chairperson of the Board or the Historic Preservation Officer may set a special meeting as soon as practicable to consider such matter.*

Public Hearing Timeline

Upon recommendation from the Planning and Zoning Board, the proposed text amendments will be scheduled for public hearing consideration by the City Commission as follows:

City Commission, 1st Reading - July 7, 2009, 9:00 a.m.

City Commission, 2nd Reading - August 25, 2009, 9:00 a.m.

The above dates and times are subject to change.

Public Notification

The Planning and Zoning Board meeting agenda has been advertised and posted on the City web page. The staff report and attachments are also posted on the City web page.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachment:

- A. Draft Ordinance.