

City of Coral Gables City Commission Meeting
Agenda Item E-3
September 28, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Commissioner Pat Keon

Commissioner Vince Lago

Vice Mayor Frank Quesada

Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item E-3 [12:17:23 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 1, "Residential Districts," Section 4-101, "Single-Family Residential District," Section 4-102, "Multi-Family 1 Duplex District," Section 4-103, "Multi-Family 2 District," Section 4-104, "Multi-Family Special Area District," Section 4-204, "Special Use District," Section 4-301, "Commercial Limited District," Section 4-302, "Commercial District," and Section 4-303, "Industrial District," adding City parks as a permitted principal use for properties with single-family, multi-family, special use, commercial and industrial zoning designations; providing for repealer provision, severability clause, codification and providing for an effective date. (08-10-16 PZB recommended approval; Vote 5-0).

Mayor Cason: Alright, we are going to move onto E-3, which is an Ordinance on First Reading.

City Attorney Leen: Thank you Mr. Mayor.

City Manager Swanson-Rivenbark: Before the City Attorney reads it, this is an item that we met with you all individually to explain that as you go and continue to purchase the passive parks in the neighborhoods and work with the neighborhoods on how to improve them, we wanted to make sure that the Zoning Code allowed it, and so while we believe that it does, because it makes incredible sense, just as amplification and clarification we are proposing this ordinance.

City Attorney Leen: So Item E-3 is an Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 1, "Residential Districts," Section 4-101, "Single-Family Residential District," Section 4-102, "Multi-Family 1 Duplex District," Section 4-103, "Multi-Family 2 District," Section 4-104, "Multi-Family Special Area District," Section 4-204, "Special Use District," Section 4-301, "Commercial Limited District," Section 4-302, "Commercial District," and Section 4-303, "Industrial District," adding City parks as a permitted principal use for properties with single-family, multi-family, special use, commercial and industrial zoning designations; providing for repealer provision, severability clause, codification and providing for an effective date. The Planning and Zoning Board recommended approval on 08-10-16 by a vote of 5-0. This is a public hearing item. One thing to add from a legal perspective. I've given opinions in the past, and this is based on Florida Law and also our Zoning Code that the City as a legal matter is not controlled by its Zoning Code, and why I say that is, the City, you as the City Commission have the sovereign authority to make decisions in the best interest of the public, and that may from time to time be something that is not consistent with the Zoning Code, if you need to take some action. We talked about this before with other government entities, how under Florida Law you use a balancing of interest analysis and you weigh the interest of the other government entity with the City, but when it's the City itself it's assumed that you are weighing that interest and you are making the decision in the best interest of the City. Nevertheless, as a matter of practice and policy, the City has typically tried to follow its own Zoning Code, and so the idea here is that even though the Zoning Code need not be amended to allow for City parks in these districts, but the feeling was that it would be better to amend it to include City parks specifically. Now note, it says City parks, it doesn't say other parks, so other governmental entities would still have to go through the full balancing of interest analysis. The only thing that's being allowed specifically is City parks, not private parks, not other governmental entity parks. The last point I wanted to make was, this is no way waives though the position of the City that when you are acting in the best interest of the public, you need not follow the Zoning Code.

Mayor Cason: OK. So this basically allows us to put the five parks and other ones we buy into areas that were not mentioned before.

City Attorney Leen: It's to make the Zoning Code reflective of what's happening on the ground.

Mayor Cason: Yes. Any discussion on this? We have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing.

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Keon: I'll second it.

Mayor Cason: Seconded by Commissioner Keon – City Clerk

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 12:21:07 p.m.]