

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-44 (AS AMENDED)

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 3, "DEVELOPMENT REVIEW," DIVISION 3, "UNIFORM NOTICE AND PROCEDURES FOR PUBLIC HEARING," SECTION 3-302, "NOTICE", AND ARTICLE 8, "DEFINITIONS" REVISING PROCEDURAL REQUIREMENTS FOR PUBLIC HEARING RE-NOTIFICATIONS AND AMENDING THE DEFINITION FOR AGGRIEVED PARTY; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff, at the request of the City Commission, has prepared a Zoning Code text amendment to revise the City's current public hearing courtesy notification procedural requirements; and

WHEREAS, the definition of Aggrieved Party of the Zoning Code is amended to clarify and include applicants and property owners receiving notice not exceeding 1,000 feet from the perimeter boundaries of the subject property; and

WHEREAS, the proposed Zoning Code text amendment requires courtesy notifications be provided to property owners indicated in the current tax rolls and provides language allowing for the Development Review Official to require re-notification for public hearings before the Planning and Zoning Board that have been continued for more than ninety (90) days or have incurred substantial changes; and

WHEREAS, the proposed Zoning Code text amendment requires the applicant to be responsible for the mailing of public hearing courtesy notifications for applications requiring public hearings before the Planning and Zoning Board; and

WHEREAS, the City amends the Fee Schedule to replace the per envelope public hearing notification fee with a flat fee of one hundred and fifty (\$150) dollars based on the time and resources necessary for City staff to prepare the public hearing courtesy notification letter and the cost associated with providing applicants with the envelopes necessary to complete the mailing for applications requiring public hearings before the Planning and Zoning Board; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on May 11, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 7-0) of the text amendment; and

WHEREAS, a public hearing for First Reading was held before the City Commission on June 14, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0) with proposed changes; and,

WHEREAS, after notice was duly published, a public hearing was held before the City Commission on August 23, 2016, at which hearing all interested parties were afforded the opportunity to be heard;

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

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 as follows¹:

ARTICLE 3 - DEVELOPMENT REVIEW

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-302. Notice.

C. Mail notices.

1. Except for public hearings before the Board of Architects, a courtesy notice of public hearings affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners and tenants, if such names are indicated in the current tax rolls, whose addresses are known by reference to the latest ad valorem tax record, within a one thousand (1,000) foot radius. It is provided, however, that the radius for a courtesy notice of public hearings for site specific applications for change in land use before the Planning and Zoning Board shall be one-thousand five-hundred (1,500) feet. This notification requirement is measured in feet from the perimeter boundaries of the subject property.

The Development Review Official may require an additional area to receive a courtesy notice on any application. If a public hearing application before the Planning and Zoning Board is continued for more than ninety (90) days then re-notification shall be required. Continued public hearing applications that have incurred substantial changes may require re-notification, as determined by the Development Review Official. The Development Review Official may also require courtesy notices on applications that are not typically required to be noticed if it is determined that such notification is desirable.

2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing. For applications before the Planning and Zoning Board, the applicant shall be responsible for mailing the courtesy notice and is required to provide a sworn affidavit indicating completion.
3. Zoning District map amendments <10 acres. When a proposed ordinance is initiated by the City that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall notify by mail each real property owner and tenant, if such name is indicated in the current tax rolls, whose land the City will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.
4. Comprehensive Plan small-scale map amendments. Notice of small-scale development amendments to the Comprehensive Plan, initiated by the City, shall be mailed to each property owner and tenant of record in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and tenant, if such name is indicated in the current tax rolls, and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.
5. Comprehensive Plan, Zoning Code text amendments and Zoning District map amendments >10 acres. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing.
6. Development agreements. Notice of a proposed Development Agreement shall be mailed to all affected property owners and tenants, if such names are indicated in the current tax rolls, at least ten (10) days prior to the first public hearing.
7. A copy of mailed notices shall be available for public inspection during the regular business hours of the City Clerk and/or the City Department that is responsible for the required reviews provided for herein.

8. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under these regulations. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the City. Individual courtesy notices are not required when the property being considered constitutes more than ten (10) contiguous acres.

ARTICLE 8 – DEFINITIONS

Aggrieved means any applicant or any person who received courtesy notice of a public hearing from the City not exceeding one-thousand (1,000) feet from the perimeter boundaries of the subject property, and shall also mean the City Manager.

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 City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

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 passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF AUGUST, A.D.,
2016.

(Moved: Quesada / Seconded: Keon)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:


JIM CASON
MAYOR

ATTEST:



WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY