

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS 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" AMENDING THE PUBLIC HEARING NOTIFICATION REQUIREMENTS FOR ZONING CODE TEXT AMENDMENTS THAT CHANGE THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES WITHIN A ZONING CATEGORY; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, City Staff has prepared a Zoning Code text amendment to amend the public hearing notification requirements for Zoning Code text amendments that change the actual list of permitted, conditional, or prohibited uses within a zoning category which removes the mail notice requirement while maintaining the publication notice requirement; and

**WHEREAS**, Florida Statutes Chapter 166.041.3.c.2 provides for the requirements of the display advertisement and allows for the option of mailing a notice to each person owning real property affected by the ordinance in lieu of publishing the advertisement; and

**WHEREAS**, the proposed Zoning Code text amendment is in compliance with the public hearing notification requirements provided within Florida Statutes Chapter 166.041.3.c.2; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on September 14, 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: 6-0) of the text amendment; and

**WHEREAS**, after notice was duly published, a public hearing for First Reading was held before the City Commission on October 11, 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); and,

**WHEREAS**, after notice was duly published, a public hearing for Second Reading was held before the City Commission on October 25, 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 follows<sup>1</sup>:

**ARTICLE 3 - DEVELOPMENT REVIEW**

**Division 3. Uniform Notice and Procedures for Public Hearing**

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**Section 3-302. Notice.**

In every case where a public hearing is required pursuant to the provisions of these regulations and other applicable Florida Statute requirements, the City shall provide a Notice of Public Hearing in the manner set out in this section and as summarized in the following table:

| <i>Type of Application</i>  | <i>Timing of Notice Before ...</i> |   |  |   |
|---|------------------------------------|---|--|---|
|   | <i>Type of Notice</i>              | <i>Board Public Hearing (if required)</i> | <i>First Commission Public Hearing (if required)</i> | <i>Second Commission Public Hearing (if required)</i> |
| ***   |                                    |   |  |   |
| <i>Zoning Code Text Amendment (Use Changes) - Amendment to text that changes actual list of permitted, conditional, or prohibited uses within a zoning category</i> | Publication                        | 10 days                                   | 7 days   | 5 days  |
|   | Mail                               | <del>10 days</del>                        |  |   |
| ***   |                                    |   |  |   |

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**C. Mail notices.**

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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. However, the City at its sole discretion may

<sup>1</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

require a mail notification of a Zoning Code text amendment as prescribed by this subsection if it serves a public benefit to notify affected property owners.

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**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 \_\_\_\_\_, 2016.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2016.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY