



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendments – PZB Required Votes & PZB Order of Business**
Public Hearing: Planning and Zoning Board
Date & Time: **October 12, 2022; 6:00 – 9:00 p.m.**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

1. *An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, “Process,” Section 14-102.3, “Meetings; Quorum; Required Vote” to amend the requirement of four (4) affirmative votes for recommendations relating to Comprehensive Plan amendments; providing for severability, repealer, codification, and an effective date. (Exhibit A)*
2. *An Ordinance of the City Commission amending the City of Coral Gables Zoning Code Article 15 “Notices”, Section 15-104 “Quasi-Judicial Procedures” and amending Section 2-79 of Chapter 2, Article III of the City Code, titled “Order of Business” to clarify definitions of documentary evidence, and amend the Order of Presentation for Quasi-Judicial Hearings, providing for a repealer provision, severability clause, codification, and providing for an effective date. (Exhibit B)*

2. BACKGROUND INFORMATION

Staff has prepared Zoning Code text amendments regarding Planning and Zoning Board’s vote requirement relating to comprehensive plan amendments, and order of business for quasi-judicial hearings.

Planning and Zoning Board vote requirement - The City’s Planning and Zoning Board is tasked with providing recommendations to the City Commission relating to items within their purview and serves as the City’s “local planning agency” as set forth in Florida Statutes § 163.174. Section 14-102.3 of the City’s Zoning Code requires four (4) affirmative votes for the adoption of any motion. Section 14-102.3 also provides that in the event that four (4) votes are not obtained, an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation.

This Zoning Code provision is at odds with Section 163.3174, F.S., which requires that all Local Planning Agency make recommendations to the City Commission regarding the adoption of Comprehensive Plan amendments. In order to avoid potential issues in the future, to preserve the resources of the City, and to be respectful of the time volunteer board members dedicate to serving on the City’s Planning and Zoning Board, it is recommended that the four (4) affirmative vote requirement for recommendations relating to Comprehensive Plan amendments be amended.

This proposed amendment was already adopted on First Reading at the August 24, 2022, City Commission

meeting.

Planning and Zoning Board order of business – The Zoning Code contains provisions which govern submission deadlines for quasi-judicial hearing and often times City staff or applicants wish to present demonstrative or visual aids, including PowerPoint presentations which repackage, or duplicate information already timely submitted to the City.

The City also wishes to amend the order of presentation for quasi-judicial hearings in the Zoning Code to allow for clearer presentations and provide continuity with the newly updated parallel City Code section, and in order to provide continuity between the Zoning Code and City Code provisions certain minor changes are proposed to the City Code.

This proposed amendment was already adopted on First Reading at the August 24, 2022, City Commission meeting.

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided below in ~~striketrough~~/underline format.

ARTICLE 14. Process

Section 14-102.3 Meetings; Quorum; Required vote.

B. Quorum; Required Vote. Four (4) members of the Board shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for the adoption of any motion. A vote of less than four (4) members on a motion regarding an application shall be deemed a tie vote. Whenever a tie vote occurs, and no other available motion on the application is made and approved before the next application is called for consideration or before recess or adjournment is called, whichever occurs first, the application shall proceed to the City Commission without a recommendation. A workshop meeting where no business is conducted may be held without a quorum. If only four (4) members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to lack of a quorum, the Chairperson or Secretary of the Board may set a special meeting to consider such matter. In the event that four (4) votes are not obtained an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation, except for items related to an amendment to the Comprehensive Plan. It is provided, that the failure to obtain four (4) affirmative votes to amend the Comprehensive Plan shall be deemed a recommendation of denial of such amendment.

ARTICLE 15. Notices

Section 15-104. Quasi-judicial procedures.

- A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held pursuant to these regulations.

- B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:
1. Disclosure of ex parte communications and personal investigations.
 2. ~~Presentation by City Staff~~ Presentation by the applicant.
 3. ~~Presentation by the applicant~~ Presentation by City Staff.
 4. Public comment. ~~in favor of the application.~~
 5. ~~Public comment in opposition to the application.~~
 6. ~~Cross examination by City Staff.~~
 7. ~~Cross examination by applicant.~~
 8. Cross-examination ~~by decision-making body.~~
 9. Motion by decision-making body with explanation of positions of negative or denial.
 10. Discussion among members of decision-making body.
 11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

- C. Submission of evidence. Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the body conducting the quasi-judicial proceeding shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection. Documentary evidence shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section.

Chapter 2. Administration

Article III. Boards, Commissions, Committees

Section 2-79. Order of Business

- (a) *Official agenda.* There shall be an official agenda for every meeting of the commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the commission shall be conducted in accordance with the official agenda.

(b) *Agenda form; availability; support information.* The agenda shall be prepared by the city clerk in appropriate form approved by the commission. The city clerk shall make available to the commissioners a copy of the agenda before the meeting. Absent an emergency, all support information for agenda items shall be available no later than three (3) calendar days before the regular meeting, except where other dates are required by state statute or in connection with quasi-judicial hearings which are governed by subsection (m) below. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting. Support information shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section or subsection (m). Consistent with the timeframe requirements as set forth in this subsection, the following shall be posted on the Internet, to the extent possible:

- (1) "The City Commission Agenda," simultaneous with its distribution;
- (2) The supplemental agenda, and any other information related to the upcoming agenda simultaneous with its distribution;
- (3) The city clerk's report and annotation to the agenda immediately after its release by the city clerk, subsequent to the city commission meeting to which it applies.

(c) *Agenda format for regular meeting.* The agenda format for a regular commission meeting shall be in substantially the form as set forth below:

- (1) Call to order, invocation, and pledge of allegiance;
- (2) Presentations and proclamations;
- (3) Open public comment;
- (4) Approval of minutes;
- (5) Consent agenda;
- (6) Scheduled public hearings;
- (7) City commission items;
- (8) Boards and committee items;
- (9) City manager items;
- (10) City attorney items;
- (11) City clerk items;
- (12) General discussion - commissioners;
- (13) Adjournment.

(d) *Consent agenda.* On the portion of the agenda designated as "consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically

non-controversial and do not deviate from past commission direction or policy. However, any commissioner, the city manager, the city attorney, the city clerk, or, at the request of a member of the public if approved by the chairperson, may withdraw an item from the consent agenda, and it shall then be voted on individually.

(e) *Open public comment.*

- (1) An opportunity for open public comment shall be provided at every City Commission meeting. During this portion of the meeting, an individual may address the city commission on an item that is on the agenda or on a matter which is not on the agenda, but within the scope of the city commission's jurisdiction. If the individual wishes to address the city commission on an item that is on the agenda, the individual shall not be given an opportunity to speak again once the item is called. The city commission shall take no action on items that are not on the agenda. An individual who wishes to speak during a public hearing where the city commission is sitting in a quasi-judicial capacity, must speak during the public hearing for that item.
 - (2) Individuals who speak during the open public comment portion of the meeting shall be given three minutes during which to address the city commission. That amount of time may be extended by the mayor, as chair of the city commission. At the conclusion of one hour, if the open public comment section of the meeting has not ended, it shall end automatically, in order to proceed with the rest of the agenda. Once the open public comment section of the meeting is closed, it shall not be re-opened.
 - (3) An individual addressing the city commission shall state the following, prior to beginning his/her comments:
 - a. Name;
 - b. Address;
 - c. Whether the individual is speaking on his/her own behalf, on behalf of a group of persons, or a third party, or if the person represents an organization.
 - (4) An individual addressing the city commission shall comply with the city's Civility Code, as adopted in Resolution No. 2016-279, in addition to all other applicable rules of decorum, including sections 2-78 and 2-83 of the city Code.
 - (5) The city clerk may establish procedures necessary to ensure the orderly conduct of business during the commission meeting, which may include the requirement that speakers fill out speaker cards prior to being recognized during the open public comment portion of the city commission meeting.
- (f) *Scheduled public hearings.* Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular commission meetings, public hearings shall be heard no earlier than 9:00 a.m. Individual speakers are encouraged to adhere to a

three-minute time limit when speaking on issues scheduled for public hearing. The chairperson has the discretion to either extend or reduce time limits, based on the number of speakers and to set items as time certain.

- (g) *Discussion items by commissioners.* During the portion of the agenda designated as "discussion items by commissioners," assignments shall be given to the city manager, city attorney or city clerk unless objected to by a majority of the commission. The commission shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the commission.
- (h) *Departure from order of business.* Any departure from the order of business set forth in the official agenda shall be made only upon determination of the chairperson or a majority vote of the members of the commission present at the meeting. Except that public comment can only be taken out of order by a majority vote of the city commission.
- (i) *Placing items on agenda.* Any member of the commission, the city manager, the city attorney, or the city clerk may place an item on the agenda.
- (j) *Additions, deletions, or corrections to agenda.* Deletions or corrections to the agenda may be considered by the commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only. Add-on agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the commission only in exigent circumstances, for issues that are time critical or cost sensitive to the city. For such matters, the city manager and city attorney should be consulted in advance of the meeting. If the add-on agenda item is approved by the city manager, the add-on agenda item shall be placed on the agenda, and the agenda coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the city's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the commission may be called in accordance with the provisions of the Charter, upon adequate notice being provided under F.S. § 286.011.
- (k) *Announcing agenda items.* The chairperson shall announce each item on the agenda. The city manager, city attorney or city clerk, or their designees, as appropriate, shall then present the item to the commission.
- (l) *Quasi-Judicial hearing order of presentation.* Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:
 - 1. Disclosure of ex parte communications and personal investigations.
 - 2. Presentation by the applicant.
 - 3. Presentation by City Staff
 - 4. Public comment in favor of the application.
 - ~~5. Public comment in opposition to the application.~~
 - ~~6. Cross-examination by City Staff.~~
 - ~~7. Cross-examination by applicant.~~
 - 8. Cross-examination by decision-making body.
 - 9. Motion by decision-making body with explanation of positions of negative or denial.
 - 10. Discussion among members of decision-making body.

11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

(m) *Submission of evidence for quasi-judicial hearings.* Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the chair shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection.

4. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline

The submitted applications have undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Planning and Zoning Board	10.12.22
City Commission – 1 st Reading	08.24.22
City Commission – 2 nd Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement	09.30.22
Posted agenda and Staff report on City web page/City Hall	10.07.22

5. FINDINGS OF FACT

In accordance with Section 14-212.5 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

Standard	Staff Evaluation
a. Promotes the public health, safety, and welfare.	The intent of the proposed amendments is to avoid potential issues in the future, to preserve the resources of the City, and to be respectful of the time volunteer board members dedicate to serving on the City’s Planning and Zoning Board. These amendments have no direct impact on public health, safety, and welfare.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted in the Comprehensive Plan.
c. Does not allow densities or intensities	The proposed text amendment does not allow densities or

in excess of the densities and intensities in excess of what are permitted by the future land uses. intensities which are permitted by the future land use categories of the affected property.

d. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan. The proposed text amendment will not affect the level of service for public infrastructure.

e. Does not directly conflict with any objective or policy of the Comprehensive Plan. The proposed amendment does not directly conflict with any objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are **satisfied**.

6. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

7. ATTACHMENTS

- A. Draft Ordinance – PZB required votes
- B. Draft Ordinance – Order of business
- C. Legal advertisement published

Please visit the City’s webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Jennifer Garcia, AICP, CNU-A
City Planner
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 14, "PROCESS," SECTION 14-102.3, "MEETINGS; QUORUM; REQUIRED VOTE" TO AMEND THE REQUIREMENT OF FOUR (4) AFFIRMATIVE VOTES FOR RECOMMENDATIONS RELATING TO COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Planning and Zoning Board is tasked with providing recommendations to the City Commission relating to items within their purview and serves as the City's "local planning agency" as set forth in Florida Statutes § 163.174; and

WHEREAS, section 14-102.3 of the City's Zoning Code requires four (4) affirmative votes for the adoption of any motion; and

WHEREAS, section 14-102.3 also provides that in the event that four (4) votes are not obtained, an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation; and

WHEREAS, this provision is at odds with section 163.3174, F.S., which requires that all local planning agency make recommendations to the City Commission regarding the adoption of comprehensive plan amendments ; and

WHEREAS, the City Commission wishes to amend the four (4) affirmative vote requirement for recommendations relating to comprehensive plan amendments; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on _____, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval/denial (vote: _ to _) of the text amendment; and

WHEREAS, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment on Second reading;

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

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 to read as follows¹:

Article 14. Process

Section 14-102.3. Meetings; Quorum; Required vote.

B. Quorum; Required Vote. Four (4) members of the Board shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for the adoption of any motion. A vote of less than four (4) members on a motion regarding an application shall be deemed a tie vote. Whenever a tie vote occurs, and no other available motion on the application is made and approved before the next application is called for consideration or before recess or adjournment is called, whichever occurs first, the application shall proceed to the City Commission without a recommendation. A workshop meeting where no business is conducted may be held without a quorum. If only four (4) members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to lack of a quorum, the Chairperson or Secretary of the Board may set a special meeting to consider such matter. In the event that four (4) votes are not obtained an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation, except for items related to an amendment to the Comprehensive Plan. It is provided, that the failure to obtain four (4) affirmative votes to amend the Comprehensive Plan shall be deemed a recommendation of denial of such amendment.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may

¹ Deletions are indicated by strikethrough. Insertions are indicated by underline.

be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

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 the date of its adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, A.D., 2022.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES ZONING CODE ARTICLE 15 “NOTICES”, SECTION 15-104 “QUASI-JUDICIAL PROCEDURES” AND AMENDING SECTION 2-79 OF CHAPTER 2, ARTICLE III OF THE CITY CODE, TITLED “ORDER OF BUSINESS” TO CLARIFY DEFINITIONS OF DOCUMENTARY EVIDENCE, AND AMEND THE ORDER OF PRESENTATION FOR QUASI-JUDICIAL HEARINGS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Zoning Code contains provisions which govern submission deadlines for quasi-judicial hearings; and

WHEREAS, often times City staff or applicants wish to present demonstrative or visual aids, including PowerPoint presentations which repackage or duplicate information already timely submitted to the City; and

WHEREAS, the City wishes to amend the order of presentation for quasi-judicial hearings in the Zoning Code to allow for clearer presentations and provide continuity with the newly updated parallel City Code section; and

WHEREAS, in order to provide continuity between the Zoning Code and City Code provisions certain minor changes are proposed to the City Code;

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

SECTION 1. That 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. That Article 15- Notices, Section 15-104 “Quasi-judicial procedures” of the City Code of Coral Gables Zoning Code be amended as follows¹:

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

Section 15-104. Quasi-judicial procedures.

- A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held pursuant to these regulations.
- B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:
1. Disclosure of ex parte communications and personal investigations.
 2. ~~Presentation by City Staff~~ Presentation by the applicant.
 3. ~~Presentation by the applicant~~ Presentation by City Staff.
 4. Public comment. ~~in favor of the application.~~
 5. ~~Public comment in opposition to the application.~~
 6. ~~Cross examination by City Staff.~~
 7. ~~Cross examination by applicant.~~
 8. ~~Cross-examination by decision-making body.~~
 9. Motion by decision-making body with explanation of positions of negative or denial.
 10. Discussion among members of decision-making body.
 11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

- C. Submission of evidence. Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the body conducting the quasi-judicial proceeding shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection. Documentary evidence shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section.

SECTION 3. That Chapter 2, Article III- Boards and Committees of the City Code of Coral Gables, Florida, Section 2-79 be amended as follows²:

Sec. 2-79. Order of business.

(a) *Official agenda.* There shall be an official agenda for every meeting of the commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the commission shall be conducted in accordance with the official agenda.

(b) *Agenda form; availability; support information.* The agenda shall be prepared by the city clerk in appropriate form approved by the commission. The city clerk shall make available to the commissioners a copy of the agenda before the meeting. Absent an emergency, all support information for agenda items shall be available no later than three (3) calendar days before the regular meeting, except where other dates are required by state statute or in connection with quasi-judicial hearings which are governed by subsection (m) below. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting. Support information shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section or subsection (m). Consistent with the timeframe requirements as set forth in this subsection, the following shall be posted on the Internet, to the extent possible:

- (1) "The City Commission Agenda," simultaneous with its distribution;
- (2) The supplemental agenda, and any other information related to the upcoming agenda simultaneous with its distribution;
- (3) The city clerk's report and annotation to the agenda immediately after its release by the city clerk, subsequent to the city commission meeting to which it applies.

(c) *Agenda format for regular meeting.* The agenda format for a regular commission meeting shall be in substantially the form as set forth below:

- (1) Call to order, invocation, and pledge of allegiance;
- (2) Presentations and proclamations;
- (3) Open public comment;
- (4) Approval of minutes;
- (5) Consent agenda;
- (6) Scheduled public hearings;
- (7) City commission items;

² Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

- (8) Boards and committee items;
- (9) City manager items;
- (10) City attorney items;
- (11) City clerk items;
- (12) General discussion—commissioners;
- (13) Adjournment.

(d) *Consent agenda.* On the portion of the agenda designated as "consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past commission direction or policy. However, any commissioner, the city manager, the city attorney, the city clerk, or, at the request of a member of the public if approved by the chairperson, may withdraw an item from the consent agenda, and it shall then be voted on individually.

(e) *Open public comment.*

(1) An opportunity for open public comment shall be provided at every City Commission meeting. During this portion of the meeting, an individual may address the city commission on an item that is on the agenda or on a matter which is not on the agenda, but within the scope of the city commission's jurisdiction. If the individual wishes to address the city commission on an item that is on the agenda, the individual shall not be given an opportunity to speak again once the item is called. The city commission shall take no action on items that are not on the agenda. An individual who wishes to speak during a public hearing where the city commission is sitting in a quasi-judicial capacity, must speak during the public hearing for that item.

(2) Individuals who speak during the open public comment portion of the meeting shall be given three minutes during which to address the city commission. That amount of time may be extended by the mayor, as chair of the city commission. At the conclusion of one hour, if the open public comment section of the meeting has not ended, it shall end automatically, in order to proceed with the rest of the agenda. Once the open public comment section of the meeting is closed, it shall not be re-opened.

(3) An individual addressing the city commission shall state the following, prior to beginning his/her comments:

- a. Name;
- b. Address;
- c. Whether the individual is speaking on his/her own behalf, on behalf of a group of persons, or a third party, or if the person represents an organization.

(4) An individual addressing the city commission shall comply with the city's Civility Code, as adopted in Resolution No. 2016-279, in addition to all other applicable rules of decorum, including sections 2-78 and 2-83 of the city Code.

(5) The city clerk may establish procedures necessary to ensure the orderly conduct of business during the commission meeting, which may include the requirement that speakers fill out speaker cards prior to being recognized during the open public comment portion of the city commission meeting.

(f) *Scheduled public hearings.* Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular commission meetings, public hearings shall be heard no earlier than 9:00 a.m. Individual speakers are encouraged to adhere to a three-minute time limit when speaking on issues scheduled for public hearing. The chairperson has the discretion to either extend or reduce time limits, based on the number of speakers and to set items as time certain.

(g) *Discussion items by commissioners.* During the portion of the agenda designated as "discussion items by commissioners," assignments shall be given to the city manager, city attorney or city clerk unless objected to by a majority of the commission. The commission shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the commission.

(h) *Departure from order of business.* Any departure from the order of business set forth in the official agenda shall be made only upon determination of the chairperson or a majority vote of the members of the commission present at the meeting. Except that public comment can only be taken out of order by a majority vote of the city commission.

(i) *Placing items on agenda.* Any member of the commission, the city manager, the city attorney, or the city clerk may place an item on the agenda.

(j) *Additions, deletions, or corrections to agenda.* Deletions or corrections to the agenda may be considered by the commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only. Add-on agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the commission only in exigent circumstances, for issues that are time critical or cost sensitive to the city. For such matters, the city manager and city attorney should be consulted in advance of the meeting. If the add-on agenda item is approved by the city manager, the add-on agenda item shall be placed on the agenda, and the agenda coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the city's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the commission may be called in accordance with the provisions of the Charter, upon adequate notice being provided under F.S. § 286.011.

(k) *Announcing agenda items.* The chairperson shall announce each item on the agenda. The city manager, city attorney or city clerk, or their designees, as appropriate, shall then present the item to the commission.

(l) *Quasi-Judicial hearing order of presentation.* Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:

1. Disclosure of ex parte communications and personal investigations.
2. Presentation by the applicant.

3. Presentation by City Staff
4. Public comment ~~in favor of the application.~~
5. ~~Public comment in opposition to the application.~~
6. ~~Cross examination by City Staff.~~
7. ~~Cross examination by applicant.~~
8. Cross-examination ~~by decision-making body.~~
9. Motion by decision-making body with explanation of positions of negative or denial.
10. Discussion among members of decision-making body.
11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

(m) *Submission of evidence for quasi-judicial hearings.* Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the chair shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby 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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Zoning Code and the Coral Gables City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the Zoning Code or the City 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 8. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS

CITY ATTORNEY

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF CORAL GABLES - PUBLIC HEARING - LOCAL PLANNING AGENCY / PLANNING AND ZONING BOARD - OCT. 12, 2022

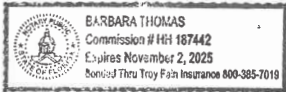

in the XXXX Court, was published in said newspaper by print in the issues of and/or by publication on the newspaper's website, if authorized, on

09/30/2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this 30 day of SEPTEMBER, A.D. 2022

(SEAL)
MARIA MESA personally known to me

**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING
HYBRID MEETING ON ZOOM PLATFORM**

City Public Hearing Dates/Times	Local Planning Agency / Planning and Zoning Board Wednesday, October 12, 2022, 6:00 p.m.
Location	City Commission Chamber, City Hall 405 Biltmore Way, Coral Gables, FL 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearing on the following:

1. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed Mixed-Use project referred to as "4311 Ponce" on the property legally described as Lots 36 through 43, Block 5, "Industrial Section" (4311 and 4225 Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
2. A Resolution of the City Commission of Coral Gables, Florida approving Remote Parking (Section 10-109) and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for proposed Remote Parking associated with the Mixed-Use project referred to as "4311 Ponce" on the property legally described as Lots 36 through 43, Block 5, "Industrial Section" (4311 and 4225 Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
3. A Resolution of the City Commission approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for a Mixed-Use project referred to as "1505 Ponce" on the property legally described as Lots 1 through 6 and Lots 17 through 22, Block 36, "Douglas Section" (1505 Ponce de Leon Boulevard, 126 and 122 Menoras Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.

City of Coral Gables.

4. An Ordinance of the City Commission amending the City of Coral Gables Zoning Code, Article 6 "Landscape," Section 6-104 "Landscape Requirements for Public Rights-of-Way: to amend planting height and various other provisions, providing for a repealer provision, severability clause, codification, and providing for an effective date.
5. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, "Process," Section 14-102.3, "Meetings: Quorum; Required Vote" to amend the requirement of four (4) affirmative votes for recommendations relating to Comprehensive Plan amendments; providing for severability, repealer, codification, and an effective date.
6. An Ordinance of the City Commission amending the City of Coral Gables Zoning Code Article 15 "Notices", Section 15-104 "Quasi-Judicial Procedures" and amending Section 2-79 of Chapter 2, Article III of the City Code, titled "Order of Business" to clarify definitions of documentary evidence, and amend the Order of Presentation for Quasi-Judicial Hearings, providing for a repealer provision, severability clause, codification, and providing for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, October 12, 2022, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. Accordingly, any individual wishing to provide sworn testimony shall be present physically in the City Commission Chambers. However, the City Commission has established the ability for the public to provide comments (non-sworn and without evidentiary value) virtually. Accordingly, only individuals who wishes to provide public comment in this format, may appear and provide those comments via Zoom.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/83788709513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at (<https://coralgables.granicusideas.com/meetings>) once the meeting's agenda is published, or by sending an email to planning@coralgables.com prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (www.coralgables.com/cqtv) as well as Channel 77 on Comcast.

Sincerely,
City of Coral Gables, Florida
9/30

22-58/0000623118M

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