

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING APPROVAL OF PROPOSED AMENDMENTS TO THE TEXT OF THE CITY OF CORAL GABLES COMPREHENSIVE PLAN, PURSUANT TO EXPEDITED STATE REVIEW PROCEDURES (S.163.3184, FLORIDA STATUTES) AND ZONING CODE ARTICLE 14, “PROCESS,” SECTION 14-213, “COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS;” TO PROVIDE FOR A PROPERTY RIGHTS ELEMENT WITH GOALS, OBJECTIVES, AND POLICIES; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, *Florida Statutes*, part of the Florida’s *Community Planning Act*, requires the City of Coral Gables to maintain a Comprehensive Plan to guide its future development and growth; and,

WHEREAS, Section 163.3177(6)(i)1., *Florida Statutes*, requires the City of Coral Gables Comprehensive Plan to include a property rights element; and,

WHEREAS, the City of Coral Gables respects judicially acknowledged and constitutionally protected private rights; and,

WHEREAS, the City of Coral Gables respects the rights of all people to participate in land use planning processes; and,

WHEREAS, this ordinance will amend the Comprehensive Plan by adding a Property Rights Element; and,

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and,

WHEREAS, to promote public outreach and participation in the public hearing process, the City has provided the following notice: 1) required advertising per State Statutes and Department of Economic Opportunity guidelines; 2) City webpage posting of the public hearing agendas; and 3) electronic mailing to interested parties; and,

WHEREAS, the application, legal description, ordinances, mapping, legal

advertising, public comments and all other supporting documentation were available for inspection and review at the City of Coral Gables Planning Division and City Clerk's office; and,

WHEREAS, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Division and City Clerk's office and available on the City's Web page at www.coralgables.com for easy retrieval; and,

WHEREAS, Comprehensive Plan Text Amendment is proposed in 'Exhibit A;' and,

WHEREAS, the November 10, 2021, Local Planning Agency (Planning and Zoning Board) meeting was cancelled due to lack of quorum; and,

WHEREAS, at a public hearing held on December 8, 2021, the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 7 – 0), finding that the proposed amendments are in furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies and the Zoning Code provisions as subject to all plans, exhibits and descriptions submitted by the applicant; and,

WHEREAS, the City Commission held a public hearing on January 11, 2022 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading; and,

WHEREAS, amendments to the Comprehensive Plan Text are subject to Expedited State Review and are required to be transmitted to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading; and,

WHEREAS, the proposed Comprehensive Plan text amendment was transmitted to the Florida State Department of Economic Department (DEO) on January 21, 2022; and,

WHEREAS, the Florida State Department of Economic Department (DEO) reviewed the proposed Comprehensive Plan amendment (Amendment No. 22-01ESR) and have no comment; and,

WHEREAS, the City Commission held a public hearing on March 8, 2022 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on second reading.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The requested amendments to the City of Coral Gables Comprehensive Plan as provided below in ‘Exhibit “A”’ are hereby approved:

SECTION 3. The City Commission, pursuant to First Reading approval of the Ordinance authorizes transmittal of the request, as required by State Statutes, to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading.

SECTION 4. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are 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 City Commission that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Coral Gables, Florida, as amended.

SECTION 7. This Ordinance shall become effective 31 days after the Department of Economic Opportunity determines the amendment submittal package is complete and no petition is filed by an affected party. If the Department of Economic Opportunity requests a hearing by the Division of Administrative Hearings, this Ordinance shall become effective upon the issuance of a final order by the Division of Administrative Hearings determining the amendment is in compliance.

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



Property Rights

Exhibit "A"

Vision Statement: Respect private property rights and the rights of all people to participate in the City of Coral Gables' planning processes.

Goals, Objectives and Policies:

Goal PRP-1. Respect property rights and people's rights to participate in decisions that affect their lives and property in the City's local decision making.

Objective PRP-1.1. Respect judicially acknowledged and constitutionally protected private property rights in the City's local decision making.

Policy PRP-1.1.1. The City shall consider the right of a property owner to physically possess and control their interests in the property, including easements, leases, or mineral rights.

Policy PRP-1.1.2. The City shall consider the right of a property owner to use, maintain, develop, and improve their property for personal use or another person's use, subject to state law and local ordinances.

Policy PRP-1.1.3. The City shall consider the right of the property owner to privacy and to exclude others from the property to protect their possessions and property.

Policy PRP-1.1.4. The City shall consider the right of a property owner to sell or gift their property.

Policy PRP-1.1.5. Adhere to the rule of law in making land use decisions, whether legislative, administrative, or quasi-judicial.

Objective PRP-1.2. Provide transparency in the decision-making processes and procedures so that all people may reasonably participate in decisions that affect their lives and property.

Policy PRP-1.2.1. Allow public participation from any affected person, as is consistent with controlling law, and be a party to a hearing on any land use decision.

Policy PRP-1.2.2. Allow public participation from the general public which may not have true legal standing under controlling law.

Policy PRP-1.2.3. Respond to true and accurate information when making any planning and development decisions and provide every affected person an opportunity to be heard, to present, and rebut evidence and be informed of all information on which the City bases its decision as required under controlling law.

Policy PRP-1.2.4. Provide public notice as required by controlling law and shall adhere to a policy of open meetings and freedom to review and copy public records.

Policy PRP-1.2.5. Allow every affected person the opportunity to participate early and throughout the decision-making process.

Policy PRP-1.2.6. The City will not grant any affected person a greater opportunity to be heard than another affected party during a public hearing process.

Objective PRP-1.3. Provide planning processes that are reliable and predictable to support sound land development regulations that promotes long-term investments in the community.



PRP

Property Rights

Policy PRP-1.3.1. Respect the right of people, including elected and appointed officials, citizens, and property owners, to fairly evaluate proposed decisions relating to real property.

Policy PRP-1.3.2. Ensure that public meetings and public hearings afford the right to participation by the public as a general matter and afford administrative due process about matters that are decided during quasi-judicial hearing processes and procedures.