



**City of Coral Gables
CITY COMMISSION MEETING
April 22, 2014**

E-1

ITEM TITLE:

Ordinance on Second Reading. Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to Article III "Development Review" of the City of Coral Gables Official Zoning Code to modify existing procedures and create new procedures to resolve disputes and provide relief from the application of the Zoning Code; providing for severability, repealer, codification, and an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 03.12.14 meeting recommended approval (vote: 7-0).

BRIEF HISTORY:

The City Commission at their 04.08.14 meeting approved the Zoning Code text amendment (vote: 5-0) on First Reading.

The City Attorney is requesting a Zoning Code text amendment to modify existing procedures and create new procedures to resolve disputes and provide relief from the application of the Zoning Code.

At their 03.12.14 meeting, the Planning and Zoning Board recommended approval of the proposed Zoning Code text amendment (vote: 7-0). At the meeting, the Board discussed the proposed amendments and requested that the notice requirements specified in Section 3-1801, "Zoning relief procedure" include the requirement for publication of a newspaper advertisement similar to that required for public hearing applications that are considered by the Board and City Commission. The City Attorney informed the Board that he would include that additional public notice requirement.

The proposed ordinance creates a new procedure in the Zoning Code (numbered as Division 18) by which City Staff, and ultimately the City Commission, can facilitate the settlement of legitimate disputes, lawsuits, and administrative proceedings involving the City that impact zoning and land use matters. The provision includes a public notice requirement, a publication requirement (as requested by the Board), a quasi-judicial hearing before the City Commission, and provisions related to appeals by certiorari review. The City Attorney revised and updated proposed Division 18 in consultation with outside land use and zoning counsel prior to first reading. Based on comments made during the hearing before the City Commission on first reading, and further review of the matter, additional revisions were made, including to the definition of Government Proceedings. The revisions are all within the scope of the title and do not change the purpose of the proposed ordinance as outlined above. The revisions will be further discussed at the Commission meeting during the City Attorney's presentation.

The proposed ordinance also seeks to amend a procedure that currently exists in the Zoning Code (numbered as Division 17), which addresses dispute resolution agreements that are used to remedy a claim that private property rights have been inordinately burdened by government action. The amendment will allow the City to invoke the procedure for consideration of a settlement or consent order where a party is agreeing to bear the burden of a government use for the benefit of the public, but would like relief from portions of the Zoning Code in order to mitigate this burden. The amendment also emphasizes that these provisions do not subject the City to the regulations of the Zoning Code for government buildings with a government use, while recognizing that the mechanism can be used for mixed government and private uses (although the portion of the project that is the City's continues not to be subject to the Zoning Code). Finally, the Commission is provided with additional remedies for resolving disputes subject to settlement under this Division (i.e transfer of development rights).

The proposed amendments are provided in the draft Ordinance in ~~strike through~~/underline format provided as Exhibit A.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
04.08.14	Ordinance	Unanimous approval (vote: 5-0) on First Reading.


OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
03.12.14	Planning and Zoning Board	Recommended approval (vote: 7-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
02.27.14	Legal advertisement.
03.07.14	Posted agenda at City Hall.
03.07.14	Posted agenda, staff report, legal notice and all attachments on City web page.
04.11.14	Advertisement of Ordinance heading.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

- A. Draft Ordinance (with provisions in ~~strike thru~~/underline format).