

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 2, DIVISION 2, "PLANNING AND ZONING BOARD", SECTION 2-202, "MEMBERSHIP; TERMS; VACANCIES; REMOVAL", AND DIVISION 4, "BOARD OF ADJUSTMENT", SECTION 2-402, "MEMBERSHIP; TERMS; VACANCIES; REMOVAL", BY REMOVING CITY STAFF AS NON-VOTING EX-OFFICIO POSITIONS ON THE PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment by removing City Staff as non-voting ex-officio members of the Planning and Zoning Board and the Board of Adjustment; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on February 15, 2012, 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/denial) (vote: _ - _) of the text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _(date)_ 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/denied) the amendment on First Reading (vote: _ - _).

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 (changes in ~~strike through~~ / underline format):

ARTICLE 2. DECISION MAKING AND ADMINISTRATIVE BODIES

Division 2. Planning and Zoning Board

Section 2-202. Membership; Terms; Vacancies; Removal.

A. Membership.

1. The Planning and Zoning Board shall be composed of seven (7) members, five (5) of whom shall be appointed by the City Commission, one of whom shall be nominated by the City Manager, subject to approval of the City Commission, and one of whom shall be nominated by the six (6) members so appointed, subject to approval of the City Commission. In the event that the six (6) members shall fail to agree on the seventh (7th) member, such member shall then be nominated by the City Commission after a thirty (30) day waiting period. ~~A member of the Planning Department shall be named by the City Manager to act as a non-voting ex-officio member of the Board.~~
2. In making appointments to the Planning and Zoning Board, membership shall be sought from a diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate. Each member of the Board shall also be a citizen and/or an owner, or spouse of an owner, of real property located within the City of Coral Gables during the term of appointment and also for at least five (5) years prior to appointment.
3. A representative of the school district appointed by the school board as a non-voting member of the Planning and Zoning Board shall be invited to attend and participate in the Board meetings when Comprehensive Land Use Plan and Zoning Code Map amendments are on the agenda which would, if approved, increase residential density on the property that is the subject of the application and have a potential impact on a public school.

B. Terms. The members of the Planning and Zoning Board shall serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1st, and ending on May 31st of the next odd year or until their successor is appointed. No member of the Planning and Zoning Board shall serve more than eight (8) consecutive years on the Board.

C. Vacancies. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the four (4) terms for which a member is eligible for appointment.

D. Removal. Any member of the Planning and Zoning Board may be removed with or without cause by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two (2) year period. Excused absences shall include illness and absence from the City.

Division 4. Board of Adjustment

Section 2-402. Membership; Terms; Vacancies; Removal.

A. Membership.

1. The Board of Adjustment shall be composed of seven (7) members, five (5) of whom shall be appointed by the City Commission, one of whom shall be nominated by the City Manager, subject to approval of the City Commission and one of whom shall be nominated by the six (6) members so appointed, subject to approval of the City Commission. In the event that the six (6) members shall fail to agree on the seventh (7th) member, such member shall then be appointed by the City Commission. ~~A member of the staff of the Building and Zoning Department shall be named by the City Manager to act as a non-voting ex-officio member of the Board.~~

2. In making appointments to the Board of Adjustment, membership shall be sought from a diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate. Each member of the Board shall also be a citizen and/or an owner, or spouse of an owner, of real property located within the City of Coral Gables during the term of appointment and also for at least five (5) years prior to appointment.
- B. Terms. The members of the Board of Adjustment shall serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1, and ending on May 31st of the next odd year or until their successor is appointed. No member of the Board of Adjustment shall serve more than eight (8) consecutive years on the Board.
- C. Vacancies. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the four (4) terms for which a member is eligible for appointment, unless the unexpired term is two (2) years or more.
- D. Removal. Any member of the Board of Adjustment may be removed with or without cause by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two (2) year period. Excused absences shall include illness and absence from the City.

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 Table 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 _____, 2012.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D.
2012.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

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