

Article 25.
PLANNING AND ZONING BOARD

Sec. 25-1 - Appointment.

A Planning and Zoning Board is hereby established which shall consist 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. All members, except the five (5) members appointed by the City Commission, shall be associated with and ethically responsible to professions having a membership generally familiar with planning and zoning principles; such professions may include Architects, Engineers, Attorneys, Appraisers, Contractors, Realtors, etc. 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 and shall be Secretary of the Board.

Sec. 25-2 - Terms.

The term of each member shall be for a period expiring on May 31, 1971. Thereafter 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. Any member may be removed by a majority vote of the City Commission. Appointments for replacements of any member due to death, resignation or removal shall be for the unexpired term.

Sec. 25-3 - Organization and members.

The members of the Planning and Zoning Board shall elect one of its members to serve as Chairman. The term of the first Chairman so named shall terminate on May 31, 1971; thereafter the term of the Chairman named by the Board shall be for a period of one year but not later than May 31st, of the year following the date of appointment. Nothing shall prevent the Board from naming a Chairman to succeed himself. Each member of the board shall be a

resident citizen, domiciliary of the City of Coral Gables and an owner of real property, or spouse of owner, in the City of Coral Gables during the term of appointment and also for at least five (5) years prior to appointment.

Sec. 25-4 - Meetings and records.

The Planning and Zoning Board shall hold one regular meeting each month, and special meetings at such times as the Board may determine or at the call of the Chairman or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Board. Four (4) members of the Board shall constitute a quorum and the affirmative vote of a majority of the Board shall be necessary for the adoption of any motion thereof. A written record of the proceedings of the Board shall be kept, showing its action on each question considered. Such record shall be filed in the office of the Secretary of the Board, and shall be open for public inspection. (2646)

Sec. 25-5 - Authority and powers.

The Planning and Zoning Board shall have the following authority and powers:

- (a) Recommend to the City Commission for adoption of a Comprehensive Plan for the physical development of the City of Coral Gables and periodic amendments thereto. In conducting its work the Planning and Zoning Board may consider and investigate any subject matter tending to the development and betterment of the municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the City Commission. Such Comprehensive Plan may show among other things, existing and proposed streets, highways, expressways, bridges, tunnels and viaducts, and approaches thereto, routes of railroads and transit lines; terminals, ports and airports; parks and playgrounds; forests, reservations and other public open spaces; sites for public

buildings and structures; districts for residences, business, industry, recreation, agriculture and forestry, special districts for other purposes; limited development districts for purposes of conservation; water supply, sanitation, drainage, protection against floods, and the like; areas for housing, slum clearance, urban renewal and redevelopment; location of public utilities whether publicly or privately owned, including but not limited to sewerage and water supply systems; together with time and priority schedules and cost estimates for the accomplishment of the proposals. The Comprehensive Plan shall be based upon and include appropriate studies of the location and extent of present and anticipated use of land, population, special and economic resources and problems, and other useful data. The Comprehensive Plan shall be public record, but its purpose and effect shall be solely to aid the Planning and Zoning Board in the performance of its duties. Before recommending the adoption of or any amendments to the Comprehensive Plan, a public hearing shall be held by the Board.

- (b) Initiate public hearings and recommend to the City Commission such amendments to the Subdivision Ordinance as it may deem proper and expedient, or necessary to clarify or to carry into effect the purpose thereof, and in accordance with the requirement of Chapter 177 of Florida Statutes entitled Maps and Plats.
- (c) Hold public hearings on requests for amendments to the Zoning Code other than historic landmark designations which do not require re-zoning or land use change, and submit recommendations to the City Commission. (3108)
- (d) Initiate public hearings and recommend to the City Commission such amendments to the Zoning Code as it may deem proper and expedient, or necessary to clarify or to carry into effect the purposes thereof.
- (e) Hold public hearings on requests for special-uses (See Section 3-11) or requests for a specific non-complying or qualified use without change of use district (See Section 3-9) and submit recommendations to the City Commission.
- (f) Hear applications and submit recommendations to the City Commission on proposed subdivision plats. The

Planning and Zoning Board in considering an application for a change of zoning may recommend to the City Commission that any ordinance passed and adopted in connection with the rezoning shall provide that the proposed building shall be in accordance with the plans submitted with the rezoning application or subsequently revised during the hearings, provided, however, that the plans submitted for the building permit shall comply with the Zoning Code, South Florida Building Code and all other applicable codes and regulations and the issuance or granting of a permit for the construction of a building on the property shall not be construed as permitting construction in violation of such regulations.

- (g) Submit recommendations to the Historic Preservation Board on proposed designations of Historic Landmarks or Historic Landmark Districts; such designations may include detailed zoning regulations necessary to assure that future improvements and development are compatible with historic preservation objectives.

The recommendation of the Planning and Zoning Board on a proposed designation shall be based upon effects of the proposed designation and accompanying zoning amendments on the City of Coral Gables Comprehensive Plan or other adopted planning and zoning policies, but shall not involve an evaluation of historic significance of the proposed designation. (2523)

If the recommendations of the Planning and Zoning Board are adverse to any change or amendment, such change or amendment may be approved by a majority vote of the City Commission.

Sec. 25-6 - Amendments to the zoning code.

No recommendation to the City Commission shall be made by the Planning and Zoning Board regarding amendments to the Zoning Code without a public hearing having been held before such Board after notice of such public hearing being given in the manner provided for under Section 25-7 of this Code.

Sec. 25-7 - Notice of hearings.

In every case where a public hearing is required pursuant to the provisions of this Code or to amend the Comprehensive Plan the Secretary of the Planning and Zoning Board shall cause a Notice of Public Hearing to be given in the following manner: (2625, 3179, 3262, 3517)

(a) Types of Notices. The requirements for the type of public notice shall be as follows:

1. Newspaper Publication.

a. Except as provided for in paragraph 2., which follows, a proposed ordinance under consideration by the Planning and Zoning Board for recommendation to the City Commission shall be published at least one time in a newspaper of general circulation published in the City of Coral Gables, or in Dade County, Florida, at least ten (10) days prior to the date of such public hearing. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place within the City where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

b. A proposed ordinance under consideration by the Planning and Zoning Board for a recommendation to the City Commission initiated by other than the City, that changes the actual zoning map/use and area map designation for a parcel or parcels of land shall be advertised pursuant to paragraph 1., above. Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or changes the actual zoning map designation of a

parcel or parcels of land involving ten (10) contiguous acres or more, the secretary of the Planning and Zoning Board shall provide for public notice as follows:

(1) The required advertisements shall be no less than two columns wide by ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the municipality is published less than five (5) days a week. The advertisement shall be in substantially the following form:

“Notice of (Type Of) Change

The City of Coral Gables proposes to adopt the following ordinance: (title of ordinance)...

A public hearing on the ordinance will be held ...(date and time)... at ...(meeting place)...”

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the

proposed ordinance. The map shall include major street names as a means of identification of the general area.

In lieu of publishing the advertisement set out in this paragraph, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the persons of the time, place, and location of any public hearing on the proposed ordinance.

2. Posting Property.

- a. All specific property being considered at a public hearing by the Planning and Zoning Board shall be posted at least ten (10) days in advance of the public hearing, provided, however, that the posting of specific property shall not be required when the property subject to change constitutes more than ten contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than forty (40) square inches in area, the color of which shall be day-glo orange with black lettering and shall contain the following language:

**NOTICE
OF
PUBLIC HEARING**

PHONE: _____

HEARING DATE: _____

HEARING NO.: _____

- b. The sign shall be erected in full view of the public on each street side of such property. Where large parcels of property are involved with street frontages extending over considerable distances, as many signs shall be erected on the street frontage as may be deemed adequate by the Planning Department to inform the public.

- c. If such sign be placed on a vacant lot or parcel of land, it shall be securely nailed or otherwise fastened securely to a stake or post which itself shall be fastened securely into the ground. Said sign shall not be located nearer than ten (10) feet nor more than fifteen (15) feet from the street property line, provided, however, that where said property is improved by a building, the main part of which is less than ten (10) feet from said street property line, the sign may be placed upon the front and/or side of the building, or upon a front and/or side door and/or window of the building. Whenever a building on improved property is located more than ten (10) feet from the street property line, the sign shall be erected as provided for on vacant property.

- d. The height of such sign shall be erected to project not more than three (3) feet above the surface of the ground.

- e. It shall be a misdemeanor in the second (2nd) degree punishable pursuant to Florida Statute 775.082 and 775.083, if any unauthorized person shall tamper with or remove the signs posted pursuant to this section.

3. Mail Notices.

- a. A courtesy notice of public hearings affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners whose addresses are known by reference to the latest ad valorem tax record, within a radius prescribed below for each of the following applications:

Type of Application	Courtesy Notification Radius Requirements
Annexation	1,500 ft.
Change in Zoning District	1,000 ft.
Comprehensive Land Use Plan (CLUP) Map Change	1,000 ft.
Comprehensive Land Use Plan (CLUP) Text Change	1,000 ft.
Conditional Use-Public Hearing Review	500 ft.
Development of Regional Impact (DRI)	1,500 ft.
Development of Regional Impact (DRI) – Notice of Proposed Change (NOPC)	1,500 ft.
Planned Area Development	1,000 ft.
Site Plan	1,000 ft.
Separation/Establishment of a Building Site	1,000 ft.
Subdivision Review for a Tentative Plat	1,000 ft.

The above referenced notification requirements are measured in feet from the perimeter boundaries of the subject property.

However, failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the City in order for the City to carry out provisions as it may. Individual courtesy notices are not required when the property being considered constitutes more than ten contiguous acres.

The Planning Director may require additional area to be included as a courtesy notice on any of the above applications. The Planning Director may also require courtesy notices on applications that are not typically required to be noticed if it is determined that such notification is required.

- b. Ordinances initiated by the City that change the actual zoning map/use and area map designation of a parcel or parcels of land shall be noticed

pursuant to the following procedures.

- c. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinances as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least thirty (30) days prior to the date of the public hearing, and a copy of the notice shall be available for public inspection during the regular business hours of the clerk of the governing body.

Sec. 25-8 – Applications and similar requests for services; application fee schedule.
(3487, 2003-12)

- (a) Applicants proposing to process the following application types: Annexation; Change of Zoning District; Comprehensive Land Use Plan Map; Comprehensive Land Use Plan Text; Conditional Use - Administrative Review; Conditional Use - Public Hearing Review; Development of Regional Impact; Development of Regional Impact - Notice of Proposed Change; Planned Area Development; Site Plan; Separation/Establishment of a Building Site; Subdivision Review for Final Plat; Transfer of Development Rights Receiving Site Plan Application; University of Miami Campus Area Development Plans and/or Amendments; Zoning Code Text Amendment shall be required to pay the following development review application fees:

Application Review Fee Schedule	
Application Types	Fee-1
Annexation	\$2,500.00
Change of Zoning District	\$2,500.00
Comprehensive Land Use Plan Map	\$5,000.00
Comprehensive Land Use Plan Text	\$5,000.00
Conditional Use--Administrative Review	\$100.00
Conditional Use--Public Hearing Review	\$1,000.00
Development of Regional Impact	\$10,000.00
Development of Regional Impact Notice of Proposed Change	\$5,000.00
Planned Area Development	\$2,500.00
Site Plan	\$2,500.00
Separation/Establishment of a Building Site	\$1,500.00
Subdivision Review for Tentative Plat	\$1,000.00 + \$100.00/lot
Transfer of Development Rights Receiving Site Plan Application	\$1,000.00
University of Miami Campus Area Development Plan and/or Amendments	\$2,500.00
Zoning Code Text Amendment	\$1,500.00

1- Does not include additional processing fees such as advertising and public hearing notification fees.

These are additional fees.

Supplemental Fee Schedule	
Fee Types	Fee
Advertising charges (All applications except Change in CLUP, Change in Zoning District, DRI and DRI NOPC)	\$300.00
Advertising charges (Change in CLUP, Change in Zoning District, DRI and DRI NOPC)	\$8,550.00-1
Public Hearing Notification Fee-2	\$2.00/envelope
Research	\$50.00/hour
Advisory Letters/Memoranda Regarding Interpretations	
Size of parcel	
under 0.5 acres	\$75.00
0.5--1.5 acres	\$100.00
1.5 + acres	\$125.00
Postponements and deferrals-3	\$300.00 for advertising + Public Hearing notification fee + \$500.00 for postponement = Total Fee
Withdrawal of Application	No refund
After the fact or result of violation approvals required	2x all fees
Development Agreement	\$2,000.00
Restrictive Covenants and/or Easements	\$1,000.00

1- Any additional costs for advertising will be assessed to the applicant.

2- Fee is dependent upon the number of property owners within one-thousand (1000) feet of the perimeter of subject property.

3- Postponement or deferrals by applicant only. Postponements or deferrals by the Planning and Zoning Board and City Commission will not be assessed this fee.

- (b) Additional costs may be incurred and assessed to applicants as a result of consultant fees paid by City to complete a comprehensive review of submitted applications or supplemental documentation including but not limited to the following consultant services: property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees shall be assessed by the Department upon finalization of the application review. Failure to pay the above fees within sixty (60) days of written notification of the City shall result discontinuance of any further reviews, inspections, approvals, etc. or issuance of a stop work order, as applicable or other appropriate action as permitted under the provisions of the Zoning Code or Code of Ordinances.
- (c) The City of Coral Gables shall be exempt from all fees contained herein.
- (d) Applicants shall file the above referenced applications with the Secretary of the Planning and Zoning Board on forms prescribed by him/her. Such application(s) shall satisfy the Departments submittal requirements and time frames for review as prescribed by the Secretary.
- (e) All applications for a change of zoning on unsubdivided land or on large tracts of land which is susceptible to being subdivided shall be accompanied by a Tentative Subdivision Plat, filed in accordance with the Subdivision Ordinance as set forth under Chapter 29 of the Code of the City of Coral Gables and such application shall be acted upon concurrently with the application for a change of zoning.

Sec. 25-9 - Limitation of subsequent applications.

Whenever any application requesting a change in zoning or amendments to this Code shall have been finally determined, no other or further application for a change in zoning or amendment to this Code with reference to the particular property affected by said application, or with reference to other property similarly situated, shall be considered for a period of one year following the date of such action. Should

conditions affecting such property or amendment materially change, in the opinion of the City Commission, or should a modified plan of rezoning or revised amendment be presented to the City Commission, either of which in the opinion of the Commission would justify action before the expiration of such one-year period, the Commission by four-fifths (4/5) majority may permit the filing of such application for rezoning or amendment, notwithstanding the provisions of this Code.

Sec. 25-10 - Expenses.

Each member of the Planning and Zoning Board, except the chairman, shall receive the sum of twenty-five (25) dollars for each regular or special meeting of the Planning and Zoning Board attended by such member. The chairman shall receive the sum of thirty (30) dollars for each regular or special meeting attended by him.

This sum shall not be considered as compensation, but shall be considered as travel and other necessary expenses incurred in the performance of their official duties.