



To: Craig Coller, Esq.

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables

MSR

RE: Legal Opinion Regarding March 2019 Amendment to Sec. 3-203, City's Zoning Code

Date: September 4, 2019

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Recently, after a Planning and Zoning Board meeting you mentioned to me that a question arose regarding the applicability of the recent amendment to Sec. 3-203(B) of the Zoning Code, which I have included below with the additional language underscored:

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 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.

The question that arose was regarding the applicability of the underscored portion to procedural votes. The underscored section was intended to apply only to substantive matters of the Board and not to procedural matters, as doing so would defy the intent of the change. In addition, the plain language speaks to "a motion regarding an application" which is reasonably interpreted to mean that it applies only to substantive votes.

The opinion is issued pursuant to Section 2-252(e)(1) and (8) of the City Code and Section 2-702 of the City's Zoning Code.

## Paulk, Enga

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**From:** Ramos, Miriam  
**Sent:** Wednesday, September 4, 2019 11:11 AM  
**To:** Paulk, Enga  
**Subject:** FW: Opinion regarding March 2019 Amendment to Sec. 3-203, City's Zoning Code

Enga, please publish.

*Miriam Soler Ramos, Esq., B.C.S.*

*City Attorney*

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

City of Coral Gables  
405 Biltmore Way, 2<sup>nd</sup> Floor  
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**From:** Ramos, Miriam  
**Sent:** Wednesday, September 4, 2019 11:11 AM  
**To:** 'Craig Coller' <craig.coller@coller-law.com>  
**Cc:** Suarez, Cristina <csuarez@coralgables.com>  
**Subject:** Opinion regarding March 2019 Amendment to Sec. 3-203, City's Zoning Code

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