

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR A TEXT AMENDMENT TO ARTICLE 14 “PROCESS,” SECTION 14-214 “PROTECTION OF LANDOWNERS’ RIGHTS; RELIEF FROM INORDINATE BURDENS” OF THE CITY OF CORAL GABLES OFFICIAL ZONING CODE TO CLARIFY PROCEDURES TO RESOLVE DISPUTES AND PROVIDE RELIEF FROM THE APPLICATION OF THE ZONING CODE, INCLUDING THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Staff has drafted Zoning Code text amendments based on a recent court ruling to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 9, 2022, at which hearing the Board deferred the item to the next Board meeting; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on March 1, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 6 to 0) of the text amendment; and

WHEREAS, a public hearing was held before the City Commission on March 29, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard;

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

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 follows¹.

Article 14. Process

Section 14-214. Protection of Landowners' Rights; Relief from Inordinate Burdens.

Section 14-214.3. Guidelines.

A. If the City Commission finds that an applicant has demonstrated that it has suffered an unfair, disproportionate or inordinate burden as a result of the application of these regulations to its property, the City Commission may grant appropriate relief. Likewise, if the City demonstrates that a settlement would avoid, mitigate, or remedy an unfair, disproportionate, or inordinate burden to a property owner, the City Commission may grant appropriate relief. Proposed terms may include, but are not limited to:

1. Relief from the application of particular provisions of these regulations, including the granting of variances.
2. The transfer of developmental rights from one (1) parcel to another within the City.
3. Approval of the original application with conditions; or modifications to any previously imposed conditions of approval.
4. Any of the remedies listed in section 70.001(4)(c) of the Florida Statutes.

Section 14-214.5. City Commission review and decision; Execution of Dispute Resolution Agreement.

A. The City Commission shall review the application or proposed settlement at a public hearing (noticed in accordance with the provisions of Article 15, and shall decide whether to make an offer to resolve the dispute with the applicant, or to approve a settlement proposed by the City, which shall be in the form of a dispute resolution agreement. ~~The hearing is not quasi-judicial, and is not subject to rules of quasi-judicial procedures.~~

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.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.


SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “Ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables 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 upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF APRIL, A.D., 2022.
(Moved: Anderson / Seconded: Menendez)
(Yeas: Anderson, Fors, Jr., Mena, Menendez, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY