

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-22 (AS AMENDED)

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, "DECISION MAKING AND ADMINISTRATIVE BODIES", DIVISION 3. "BOARD OF ARCHITECTS", SECTION 2-301, "POWERS AND DUTIES"; SECTION 2-302, "MEMBERSHIP, TERMS; VACANCIES; REMOVAL"; AND SECTION 2-303, "MEETINGS; QUORUM; REQUIRED VOTE"; ARTICLE 3 "DEVELOPMENT REVIEW", SECTION 3-303, "RECONSIDERATION OF CITY ARCHITECT ADMINISTRATIVE DETERMINATION"; AND SECTION 3-606, "PROCEDURES FOR APPEALS" BY UPDATING THE MEMBERSHIP AND CERTAIN PROCEDURES OF THE BOARD OF ARCHITECTS AND REQUIRING A CONFLICT RESOLUTION MEETING PRIOR TO A QUASI-JUDICIAL HEARING; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Architects (Board) was created to ensure that the City's architecture is consistent with the City's regulations and to preserve the aesthetic character of the community; and

WHEREAS, in an effort to clarify certain policies and procedures of the Board, the Board and the City Commission approved certain Rules and Procedures on August 20, 2015, and August 25, 2015, respectively, that clarify and streamline certain review processes; and

WHEREAS, it is now necessary to update the Zoning Code with respect to the Board of Architects to reflect the direction of the City Commission; and

WHEREAS, after notice being duly published, a public hearing was held before the Planning and Zoning Board on October 14, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the October 14, 2015 Planning and Zoning Board meeting, the Board recommended approval (vote: 7-0) of the text amendment; and

WHEREAS, the Zoning Code provides that in the event a person is aggrieved by a decision of a panel of the Board of Architects, that person may request a hearing by the entire Board, which hearing shall be conducted as quasi-judicial hearing; and

WHEREAS, given the substantial workload of the Board such quasi-judicial hearings may cause substantial delay in the Board's processing of applications; and

WHEREAS, providing a conflict resolution process may provide for resolution to disputes thus facilitating the review process; and

WHEREAS, providing a Special Master quasi-judicial hearing process, whose decision is binding unless appealed to the City Commission, provide the necessary procedures to establish the record for potential appeals to the City Commission, thus alleviating the full Board from conducting such quasi-judicial hearings; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote:5-0);

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. Article 2, “Decision Making and Administrative Bodies” of the Official Zoning Code of the City of Coral Gables is hereby amended as follows:

Division 3. Board of Architects

Section 2-301. Powers and duties.

Pursuant to the City Charter, and subject to those provisions, a Board of Architects is a design review administrative board created to ensure that the City’s architecture meets the design review standards of the Zoning Code, is consistent with the City’s regulations and to preserve the traditional aesthetic character of the community.

Section 2-302. Membership; Terms; Vacancies; Removal.

A. Membership.

1. The Board of Architects shall be composed of at least seven (7) members who serve as either regular or alternate members, depending on their designation at appointment.
2. The City Manager, subject to the approval of the City Commission, shall appoint all regular and alternate members of the Board of Architects, considering the following qualifications:

- a. Each member shall have been a registered architect or landscape architect responsible for the design and construction of projects within the City of Coral Gables during the last five (5) years and shall have a minimum of ten (10) years' experience in their profession.
 - b. Each member shall either be a resident or have their principal place of business in the City of Coral Gables.
- B. Terms.** The members of the Board of Architects shall serve at the pleasure of the City Commission. The terms of the members shall be as follows:
 - 1. Two (2) years per term and not more than eight (8) consecutive years.
 - 2. The term of the members of the Board of Architects shall be so established that the terms of two (2) members of the Board will expire on June 30 and December 31 of each year, and two (2) new members will be appointed on July 1 and January 1 of each year.
- 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 part of the term limit.
- D. Removal.** Any member of the Board of Architects may be removed with or without cause by a majority vote of the City Commission. Regular board members shall be automatically terminated for twelve (12) unexcused absences in a twelve month period. Excused absences shall include illness and absence from the City.

Section 2-303. Meetings; Panel Review; Full by Full Board; Conflict Resolution Meeting; Special Master Quasi-Judicial Hearing

- A. Meetings.** The Board of Architects may meet once each week, and such other times as the Board may determine, for the consideration of the business before the Board. All meetings shall be open to the public and the order of business and procedure to be followed shall be as prescribed by the Board. Rules of Procedure of the Board shall be approved by a majority of all Board members present. The Secretary for the Board shall be responsible for setting the agenda of the Board prior to a meeting of the Board. If a matter is postponed due to lack of a quorum, the Chairperson or the Secretary of the Board may set a special meeting as soon as practicable to consider such matter. Meetings of the Panel or the full Board are not quasi-judicial in nature, unless related to an appeal.

- B. Panel Review.** Any case brought before the Board may be heard by a panel of two (2) or three (3) members. A quorum of the full Board is not necessary to convene a Panel for official action. The approval of two (2) members on a two (2) or three (3) member Panel, signified by their signature on each set of plans and specifications required to be submitted with each application for a permit, shall be a prerequisite to the issuance of any permit required to be approved by the Board. The Board may review and recommend approval to another decision-making authority having jurisdiction or approve, approve with conditions or deny any application by use of a Panel.

- C. Review by full Board.** At any time before the meeting or during the Panel review, the City Architect, a Board member or the applicant may determine that the Panel should be expanded to include all Board members present, in which case all Board members present will serve as the Panel, with a majority vote of the expanded Panel required for any action. In the case of a tie vote, the Board shall deliberate and revote to see if the motion to approve or deny carries. If there is still a tie vote, the motion fails and the decision is treated as a denial for failure to obtain a majority affirmative vote.

- D. Conflict Resolution Meeting; Board of Architect Special Master Quasi-Judicial** held with the City Attorney or designee, and any other member of the City Staff that the Planning and Zoning Director deems appropriate. Any settlement that is reached may then be presented to a Board of Architect Special Master as part of a quasi-judicial public hearing on the settlement. The qualifications of such Board of Architect Special Master shall be in accordance with Sec. 2-302 of the Zoning Code, and the appointment shall be for a two (2) year term by the City Manager, in consultation with the Board of Architects and approved by the City Commission. If the conflict resolution meeting does not result in a settlement, the Board of Architect Special Master shall hear the appeal in a quasi-judicial public hearing. The decision of the Special Master on the settlement or the appeal shall be final unless appealed directly to the City Commission in accordance with Sec. 3-606 of the Zoning Code.

* * *

SECTION 2. Article 3, “Development Review” of the Official Zoning Code of the City of Coral Gables is hereby amended as follows:

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-303. Reconsideration of City Architect administrative determination.

- A.** An applicant or aggrieved party may file a written Notice of Reconsideration with the Development Services Department designated Development Review Official within sixty (60) days of the City Architect administrative determination. The request shall be reviewed by a panel of the Board of Architects as provided for in Section 2-303(B). The request shall be considered by the Board of Architects at the next available meeting after

receipt of the request. The panel may grant approval of the application, with or without conditions, deny the application or require further proceedings. The application submittal requirements and additional background information required for the filing shall be determined by the Development Services Director or designee.

- B. After the final decision of the entire Board, the Applicant, an Aggrieved Party or the City Manager may seek an appeal in accordance with Secs. 2-303D. and 3-606.

* * *

Division 6. “Appeals”

Section 3-606 “Procedures for appeals”

* * *

- D. **City Commission decision.** The City Commission shall conduct a review of the decision of the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board, or Planning and Zoning Board. The appeal shall be based on the record of the hearing, shall not be a de novo hearing, and no new, additional testimony shall be taken. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition. The transcript shall be provided seven (7) days prior to the City Commission meeting at which the appeal will be heard with a sufficient number of copies for the City Commission, the City Attorney, the City Manager and the affected departments. The City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Adjustment, Board of Architects Special Master, Planning and Zoning Board or Historic Preservation Board, or remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment, Board of Architects Special Master, Planning and Zoning Board or Historic Preservation Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are 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 that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

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

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF MARCH, A.D.,
2016.

(Moved: Lago / Seconded: Quesada)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:




JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY