

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, "DEVELOPMENT REVIEW," SECTION 3-606, "PROCEDURES FOR APPEALS," TO AFFORD STAFF AN ADDITIONAL 72 HOURS TO APPEAL CITY BOARD DECISIONS IF A FILED APPEAL IS DETERMINED TO BE DEFICIENT; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3-606(B) of the City's Zoning Code sets forth regulations for procedures for appeals of the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board; and

WHEREAS, the City's Zoning Code currently does not afford staff any additional time beyond the appeal period for City staff to review said appeals for completeness and standing; and

WHEREAS, the City Commission wishes to ensure that all appeals of decisions by the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board are properly reviewed and that City staff is given sufficient time to complete said review; 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); and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on January 8, 2020, 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 and discussion, recommended approval (vote: 5-1);

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That 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 3 – DEVELOPMENT REVIEW

Division 6. Appeals

Section 3-606. Procedures for appeals.

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B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. If any time after the initial ten (10) day appeal period has lapsed, City Staff determines that the written Notice of Appeal is deficient or that the party that filed the Notice of Appeal lacks standing, the City Staff, where it deems appropriate, shall have seventy-two (72) hours from the date of that determination to appeal the decision. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal, as well as at least ten (10) days from the date of mailed notice as required pursuant to subsection E below, and the date of such meeting. If ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting or (10) days shall not intervene between the sending of the mailed notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of Ordinance No. 2007-01 as amended and known as 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.

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

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. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF FEBRUARY, A.D., 2020.

(Moved: Keon / Seconded: Lago)

(Yeas: Fors, Jr., Keon, Lago, Mena, Valdes-Fauli)

(Unanimous 5-0 Vote)

(Agenda Item: F-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



MIRIAM SOLER RAMOS
CITY ATTORNEY