



**City of Coral Gables
CITY COMMISSION MEETING
March 29, 2016**

ITEM TITLE:

Ordinance on Second Reading. Zoning Code Text Amendment. 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.

Board of Architects Rules of Procedure. Updated Rules of Procedure that govern the Board of Architects.

DEPARTMENT HEAD RECOMMENDATION:

Approval of the Ordinance and the Board of Architects Rules of Procedure.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 10.14.15 meeting recommended approval (vote: 7-0).

BRIEF HISTORY:

Changes Made Since First Reading:

On March 15, 2016, the Commission approved the Ordinance on First Reading and directed staff to include a Board of Architects (BOA) Special Master hearing as an additional process before the City Commission considers a BOA appeal. This Special Master will be an experienced local architect similar to the BOA membership requirement of 10 years' experience and appointed by the City Manager similar to the Special Master for Code Enforcement proceedings. The Special Master will approve the settlement resulting from the conflict resolution meeting, or hear any appeals by an aggrieved party of a BOA's panel decision if a settlement cannot be reached. The hearing by the Special Master shall be a de novo, quasi-judicial meeting, whereby a record will be established. The decision of the Special Master shall be final, unless appealed to the City Commission in accordance with the Zoning Code. The Special Master procedure was conceptually well-received by the BOA on March 17, 2016. The Rules and Procedure and the Ordinance reflect this update.

Background:

On August 25, 2015, the City Commission approved certain Rules of Procedures for the Board of Architects (BOA) as provided in Sec. 2-305 of the Zoning Code. At its meeting of December 8, 2015, the Commission decided that a full quasi-judicial hearing is crucial to establishing the record by which to consider the BOA's appeal.

The Rules and Procedures were also amended to require a conflict resolution process to occur PRIOR to the BOA hearing an appeal. It is staff's opinion that such a process may offer some design solutions to the issues raised by the disputing parties in a more collaborative forum. This process will involve the City Attorney's Office and the Planning and Zoning Director, and a resolution will ultimately be presented to the BOA Special Master as a quasi-judicial hearing, which may also be appealed to the City Commission.

Further, the Commission heard a presentation on the Best Practices Guidelines for the BOA at its January 12, 2016 meeting. These Guidelines are also referenced in the Rules and Procedure.

The attached Ordinance reflects these changes, as well as the option to appoint alternates to the BOA. This is necessary during the summer and holiday times when regular board members are not always available and it has been difficult to conduct the business of the BOA. Staff has been in contact with past Board members who can offer their services during this period. As with regular members, the alternates will be appointed by the City Manager and approved by the City Commission by separate action.

The proposed amendment is provided in the draft Ordinance in ~~strike through~~/underline format attached as Exhibit A. The 10.14.15 Staff report and recommendation, excerpts from the 10.14.15 Planning and Zoning Board meeting minutes, and the updated Rules of Procedures are provided as Exhibits B, C and D, respectively.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		


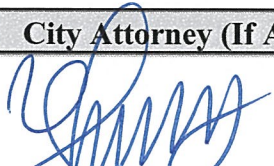

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
10.01.15	Board of Architects	Recommended approval (vote: 6-0).
10.14.15	Planning and Zoning Board	Recommended approval (vote: 7-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
10.02.15	Planning and Zoning Board legal advertisement.
10.09.15	Planning and Zoning Board agenda posted at City Hall.
10.09.15	Planning and Zoning Board agenda, staff report, legal notice and all attachments posted on City web page.
03.11.16	City Commission meeting agenda posted on City web page (1 st Reading).
03.18.16	City Commission legal advertisement of Ordinance heading.
03.25.16	City Commission meeting agenda posted on City web page (2nd reading).

APPROVED BY:

Acting Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

- A. Draft BOA 2nd Reading Ordinance.
- B. Updated Board of Architects Rules of Procedures March 29, 2016 version.