

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 14-103.3. “MEETING; PANEL REVIEW; FULL BY FULL BOARD; CONFLICT RESOLUTION MEETING; SPECIAL MASTER QUASI-JUDICIAL HEARING” IN ORDER TO AMEND CERTAIN PROCEDURES RELATED TO THE CONFLICT RESOLUTION AND SPECIAL MASTER QUASI-JUDICIAL PROCESS FOR APPEALS OF DECISIONS BY THE BOARD OF ARCHITECTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 14-103.3 of the City’s Zoning Code sets forth certain procedures for persons aggrieved by a decision of the Board of Architects; and

WHEREAS, the City Commission wishes to clarify some of the procedures related to this process, including amending the Zoning Code so that it is clear that should the conflict resolution meeting result in a settlement, that the settlement proceeds to be heard in a quasi-judicial public hearing; and

WHEREAS, the City Commission wishes to amend the Zoning Code so that a hearing regarding a single-family residence is heard by one Special Master, and hearings regarding all other properties are heard by a panel of three Special Masters;

WHEREAS, the City Commission wishes to amend the Zoning Code so that the Board of Architects is required to review substantial changes to the design of a project made during the Conflict Resolution or Special Master hearing process.

WHEREAS, the City Commission held a public hearing on December 12, 2023 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading; and,

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on January 10, 2024, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with the text amendments to the Official Zoning Code, and after due consideration, the Board recommended approval with the condition to remove the proposed panel of Special Masters (vote: 4 to 2); 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 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. Section 14-103.3. Meetings; Panel Review; Full by Full Board; Conflict Resolution Meetings; Special Master Quasi-Judicial Hearing, in Article 14 Process, of the Zoning Code of the City of Coral Gables, Florida, is amended as follows¹:

Section 14-103.3. Meetings; Panel Review; Review Full by Full Board; Conflict Resolution Meeting; Special Master Quasi-Judicial Hearing.

- A. Meetings. The Board of Architects may meet at least 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

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

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 Hearing. In the event a person is aggrieved by a decision, a conflict resolution meeting shall be convened to address the aggrieved party's concerns. Such meeting shall be 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 shall 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. 14-103.2. 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 ~~may~~ shall hear the appeal in a quasi-judicial public hearing. Hearings regarding a single-family residence shall be heard by one

(1) Special Master. Hearings regarding all other properties shall be heard by a panel of three (3) Special Masters. The decision of the Special Master(s) on the settlement or the appeal shall be final unless appealed directly to the City Commission in accordance with Sec. 14-208.2. of the Zoning Code. If the design of a project should change substantially, as determined by the City Architect, during the Conflict Resolution or Special Master Hearing process, the Board of Architects shall be required to review the changes to the design.

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 City Commission that the provisions of this Ordinance shall become and be made a part of the City Zoning Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the Zoning Code's Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon adoption, however, the implementation of a panel of three (3) Special Masters shall not occur until such time as the necessary additional Special Masters have been appointed by the City Manager and approved by the City Commission. Until such time, all Special Master quasi-judicial hearings shall be heard by one (1) Special Master.

PASSED AND ADOPTED THIS ___ DAY OF DECEMBER, A.D., 2024.

(Moved: ____/ Seconded: ____)

(Yeas:)

(Unanimous:)

(Non-Agenda Item)

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

CRISTINA M. SUÁREZ

CITY ATTORNEY

APPROVED AS TO FORM AND

LEGAL SUFFICIENCY: