



# City of Coral Gables Planning and Zoning Staff Report

Applicant:	City of Coral Gables
Application:	<b><u>Zoning Code Text Amendment – Additional Staff Appeal Time</u></b>
Public Hearing:	Planning and Zoning Board
<b>Date &amp; Time:</b>	<b>January 8, 2020; 6:00 – 9:00 p.m.</b>
Location:	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida 33134

## 1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

*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.*

## 2. BACKGROUND INFORMATION

As directed by the City Commission, Staff has prepared a Zoning Code text amendment to the provisions for Article 3, Section 3-606 (B), "Procedures for Appeals." The City's Zoning Code currently does not afford staff any additional time beyond the appeal period for City staff to appeal a decision to the City Commission, should a filed external appeal be deficient.

The City Commission wishes to ensure that all decisions by the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board are able to be appealed by Staff, should Staff feel it is necessary to do so if an external appeal is disqualified for some reason.

The proposed Zoning Code text amendment was approved at First Reading on December 10, 2019.

## 3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided in Attachment A in ~~striketrough~~/underline format.

## 4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.

- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are satisfied.

**5. COMPREHENSIVE PLAN CONSISTENCY**

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment is consistent with the Comprehensive Plan.

**6. PUBLIC NOTIFICATION**

The following has been completed to provide notice of the request:

Type	Date
Legal advertisement	12.27.19
Posted agenda on City Hall	12.27.19
Posted Staff report on City web page	01.03.20

**7. STAFF RECOMMENDATION**

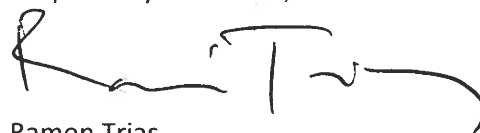
The Planning and Zoning Division recommends approval.

**8. ATTACHMENTS**

- A. Draft Ordinance – Article 3 Section 3-606 - Procedures for appeals.

Please visit the City’s webpage at [www.coralgables.com](http://www.coralgables.com) to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Ramon Trias  
Assistant Director of Development Services  
for Planning and Zoning  
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-\_\_

**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.

**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 follows<sup>1</sup>:

**ARTICLE 3 – DEVELOPMENT REVIEW**

**Division 6. Appeals**

**Section 3-606. Procedures for appeals.**

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<sup>1</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

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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.

**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 adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2020.

APPROVED:

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RAUL VALDES-FAULI  
MAYOR

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS  
CITY ATTORNEY