

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES CREATING CITY CODE SECTION 2-75, "CITY COMMISSION QUASI-JUDICIAL HEARINGS," AND ESTABLISHING GUIDELINES FOR THE SUBMISSION OF DOCUMENTARY EVIDENCE TO THE CITY COMMISSION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission hears appeals for certain City Boards, such as the Board of Architects and the Historic Preservation Board, as well as certain staff determinations, and certain quasi-judicial matters in the first instance; and

WHEREAS, presently, there is no process by which to submit documentary evidence to the City Commission, which may lead to evidence being submitted with insufficient time to properly study or otherwise consider the submission; and

WHEREAS, the City Commission wishes to establish a uniform process by which to submit documentary evidence for Commission consideration; and

WHEREAS, currently, various sections throughout the City Code and Zoning Code address City Commission hearings and the City Commission finds that it is in the best interest of the City to have a uniform process to guide said City Commission appeals.

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

SECTION 1. The forgoing "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. That Article III, "Boards, Commissions, Committees" Division 1 "Generally" is hereby amended to create Section 2-75 "City Commission Quasi-Judicial Hearings" and shall read as follows¹:

Sec. 2-75. City Commission Quasi-Judicial Hearings.

(a) In any application to the City Commission for a quasi-judicial hearing where evidentiary submission is expressly permitted, no evidentiary documentation shall be submitted less than five (5) prior to the scheduled Commission hearing. Said five day rule shall apply to applicants as well as aggrieved parties who request time to speak and present evidence.

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

(b) The City Commission may vote to waive the five day requirement and accept proffered evidence where the Commission determines that the submitted evidence presents no undue prejudice to a party and that the submission is consistent with due process.

(c) Continuances for failure to follow the submission schedule as outlined above will only be granted by (i) agreement of the parties; or (ii) where there is no undue prejudice to either party and the Commission determines the continuance is appropriate in order to fully review the evidence.

SECTION 3. The City Attorney is hereby instructed to add a reference to the City Zoning Code indicating that this provision shall govern evidentiary submission.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. CODIFICATION. 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 a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such appropriate work or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY