



City of Coral Gables Implementing Order of the City Manager

Implementing Order No.: 2020-01 **Title:** Expanded Administrative Reviews During COVID-19 State of Emergency: Variances

Ordered: April 21, 2020 Effective: April 21, 2020

AUTHORITY: Ordinance No.2020-09 codified as City of Coral Gables Code of Ordinances, Chapter 27 "State of Emergency Ordinance", Section 27-4 "City Manager; Emergency Operations Center Powers".

PURPOSE

The purpose of this Implementing Order is to specify the types of variances that may be reviewed administratively during the prolonged state of emergency caused by the Novel Coronavirus (COVID-19). Given the communicable nature of the virus and CDC guidelines for social distancing, the City has suspended quasi-judicial board meetings except for in the circumstances set forth in the Rules of Procedure for Quasi-Judicial Meetings/Hearings adopted in Resolution No. 2020-90. Administrative reviews are thus warranted to balance the prolonged nature of this current emergency with the property rights and interests that residents and businesses have in continuing to conduct business and improve their property within the City.

APPLICABILITY

This policy may apply to the following categories of variances:

- Dock extensions
- Minor setbacks up to 10% of what is permitted by Code for single family and duplex structures
- Setbacks up to 20% of what is permitted by Code for pools, auxiliary structures, and mechanical equipment
- Allowable building materials for historic properties
- Minor single family construction requirements up to 10% of what is permitted by Code
- Other minor variance requests that are in the best interest of the health, safety and welfare of the City.
- Variance applications that do not fall into one of the above categories but have been pending for a period of at least 60 days

The Development Services Director shall serve as the City Manager's designee for the review of variance applications involving non-historic properties and the Historic Preservation and Cultural Arts Director shall serve as the City Manger's designee for the review of variance applications involving historic properties. The City Manager shall provide final approval for historic and non-historic variances through this administrative process.

ADMINISTRATIVE VARIANCE REVIEW PROCESS

1. An application for one of the enumerated categories of variances shall be submitted to the appropriate department, consistent with Section 3-803 of the Coral Gables Zoning Code, including the payment of any applicable fees.
2. City staff shall review the application, compile a report, and formulate a recommendation to approve, approve with conditions or deny the variance, consistent with Section 3-804 of the Coral Gables Zoning Code.
3. Notice of the application for a variance shall be provided to interested parties by publication, posting, and mail.

A. Publication

1. Notice shall be published at least one (1) time in a newspaper of general circulation published in the City of Coral Gables, Florida or in Miami-Dade County, Florida, at least ten (10) days prior to the date of City Manager's review of the variance application.
2. The notice shall contain a description of the variance/s being sought; the address of the subject property; staff contact information for interested parties to submit their comments, suggestions or opinions, the deadline by which such input must be received, and the website where administrative decisions will be posted.
3. Failure to provide advertised notice as set forth above shall not affect any administrative action taken on the variance application, unless such notice is required by Florida Statutes.

B. Posting of Property

1. The property shall be posted at least ten (10) days in advance of the City Manager's administrative review of the variance application. The sign used for the posting shall have a face not larger than forty (40) square inches in area and shall contain the following information:

Notice of variance/s being sought

Address of subject property

Staff contact information

Final date of comment period

City website listing administrative variance decisions

2. The sign shall be erected in full view of the public on each street side of such property. Where large parcels of property are involved with street frontages extending over considerable distances, additional signs may be erected on the street frontage as may be deemed adequate to inform the public.
3. Failure to provide posted notice as set forth above shall not affect any administrative action taken on the variance application, unless such notice is required by Florida Statutes.

C. Mail

1. Mailed notice shall be provided to a 1000 ft. radius at least ten (10) days prior to the City Manager's administrative review of the application for a variance.
2. The notice shall contain a description of the variance/s being sought; the address of the subject property; staff contact information for interested parties to submit their comments, suggestions or opinions; the deadline by which such input must be received; and the website where administrative decisions will be posted.
3. Failure to provide mailed notice as set forth above shall not affect

any administrative action taken by the designee, unless such notice is required by Florida Statutes.

4. The Development Services Director or the Historical Resources and Cultural Arts Director in the case of a variance involving historic properties, shall review the application for a variance, the report, recommendation, and proposed findings prepared by City staff in accordance with the requirements of Section 3-806, and render a recommendation to grant, grant with conditions, or direct the request to be heard by the Board of Adjustment, or Historic Preservation Board as the case may be, when it is safe and practical for the board to conduct a meeting. The City Manager shall make the final decision to grant, grant with conditions, or direct the matter to be heard by the Board of Adjustment when it is safe and practical for the board to meet. The City Manager's decision shall be posted on the City website.


TIME LIMIT

The time limits outlined in Section 3-807 of the Coral Gables Zoning Code shall apply to administrative variances granted pursuant to this Implementing Order.

APPEALS


An appeal from any decision of the City Manager regarding administrative variances may be taken to the Board of Adjustment or the Historic Preservation Board, as the case may be, by an aggrieved party following the procedures set forth in Section 3-606 (A) of the Coral Gables Zoning Code. The appellate period shall begin on the date the City Manager's decision on the variance application is posted on the City website.

APPROVED BY:



Peter J. Iglesias, P.E.

City Manager



Date