

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 6, "APPEALS", SECTION 3-608, "POSTPONEMENT OF APPEALS", BY ADDING PROVISIONS PROVIDING FOR CONCURRENT HEARINGS OF APPEALS TO THE CITY COMMISSION; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, City Staff is requesting Zoning Code text amendments to allow for development projects requiring more than one appeal to the Commission be coordinated and heard at one Commission meeting instead of presented individually at multiple Commission meetings; and,

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on May 8, 2013, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended (approval/denial) (vote: \_ - \_) of the text amendment; and,

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on May 28, 2013, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: \_ - \_).

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.** The Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

### **Section 3-608. Postponement of appeals.**

- A. Applicant or aggrieved party postponement. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission shall adhere to the following provisions for postponements:
1. First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than ninety (90) calendar days may be requested and will be automatically granted.
  2. Second postponement. Requests for second postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The second postponement request may not exceed thirty (30) calendar days. The City Manager's Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.
  3. Third postponement. If the appeal is not considered by the City Commission within the one hundred and twenty (120) calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission meeting. The City Commission shall evaluate the application and determine if additional postponements are warranted. The maximum time frame an appeal can be postponed from the initial date the application was scheduled for City Commission consideration is one hundred and eighty (180) days.
  4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all costs for all postponement requests including any fees established by the City Code. If the City Commission requests adjacent property owners be notified or advertised, all costs shall be the responsibility of the applicant or aggrieved party.
  5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the requirements provided in this Division, which shall include monitoring and insuring the application proceeds forward for City Commission consideration. Failure of the applicant to follow the above provisions shall terminate the appeal.
  6. Appeal review expiration. Appeals which do not secure City Commission consideration as provided in the above sections or are not considered by the City Commission within six (6) months shall be deemed abandoned and void.
- B. City postponement. The City Manager may postpone an appeal whenever it is deemed necessary to ascertain a complete record, to maintain an orderly hearing or in the best interests of the City but avoiding any unnecessary or undue delay.
- C. Concurrent hearings of appeals to City Commission.

1. Proposals by applicant or aggrieved party to the City Manager's Office. Where it is foreseeable that more than one appeal may result from a particular development project, the applicant or an aggrieved party may propose in writing to the Office of the City Manager that all appeals to the City Commission related to that development project be heard concurrently. The City Manager's Office will administratively determine whether to hear appeals concurrently after evaluating the proposal, and any written objections that may be raised by the applicant or aggrieved party. The City Manager's Office may also determine sua sponte without a request that appeals should be heard concurrently. An applicant or an aggrieved party may appeal any determination to hear appeals concurrently, or any denial of a request to hear appeals concurrently, to the City Commission.
2. Determination by City Commission. The City Commission may determine at any time, on a motion by one of its members, to continue any appeal so that it can be heard concurrently with a foreseeable related appeal.
3. Criteria for concurrent hearings. A request to hear appeals concurrently may be granted in situations where such a determination (i) is in the best interests of the City, (ii) avoids duplicate or conflicting appeals on related issues, (iii) avoids the issuance of advisory opinions, or (iv) results in a more complete determination of the issues on appeal.

**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 Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, 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 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 \_\_\_\_\_, 2013.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2013.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY

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