

**ARTICLE 2**

**DECISION MAKING AND ADMINISTRATIVE BODIES**

**Division 1. City Commission**

**Section 2-101. Powers and Duties.**

The City is governed by a City Commission consisting of five (5) elected members, including a Mayor, as more particularly set forth in the City Charter. In addition to any authority granted the City Commission by state law, City Charter or other regulations of the City, the City Commission shall have the power and duty to act as the final decision maker in these Land Development Regulations with respect to certain types of applications and appeals. In accordance with the standards and procedures of Article 3, Development Review, the City Commission is the final decision maker for:

| <b>POWERS AND DUTIES</b>   | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|--|--|
| Appeals (from decisions by the Planning and Zoning Board, the Board of Adjustment and the Historic Preservation Board) | Article 3, Division 6                  |
| Building Moratoria   | Article 3, Division 7                  |
| Comprehensive Land Use Plan Text and Map Amendments  | Article 3, Division 15                 |
| Developments of Regional Impact  | Article 3, Division 16                 |
| Planned Area Development   | Article 3, Division 5                  |
| Platting/Subdivision   | Article 3, Division 9                  |
| Street and Alley Vacations   | Article 3, Division 12                 |
| Text of LDRs and Map Amendments  | Article 3, Division 14                 |
| Transfer of Development Rights (Receiver Site)   | Article 3, Division 10                 |

*The purpose of this Division is to set forth the powers and duties of all those decision making bodies involved with implementation of these LDRs, including administrative support. It is also the purpose to describe membership and other related functions of decision makers in as uniform a fashion as possible.*

*This Division is derived primarily from the City Charter and the existing Development Review Process Handbook and the Procedures of Building and Zoning Department. The provisions of the City Charter relating to Commission composition, voting, etc. are not repeated in this section though reference is made to the applicable section.*

**Division 2. Planning and Zoning Board**

**Section 2-201. Powers and Duties.**

**A. Recommending Body.**

Pursuant to the City Charter, and subject to those provisions, a Planning and Zoning Board is created to act as the local planning agency (LPA) of the City. In addition to any power or duty delegated by the City Commission or the City Manager, the Planning and Zoning Board shall act as the recommending Board to the City Commission for:

| <b>POWERS AND DUTIES</b>                            | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|---|--|
| Comprehensive Land Use Plan Text and Map Amendments | Article 3, Division 15                 |
| Developments of Regional Impact                     | Article 3, Division 16                 |
| Platting/Subdivisions                               | Article 3, Division 9                  |
| Street and Alley Vacations                          | Article 3, Division 12                 |
| Text of LDRs and Map Amendments                     | Article 3, Division 14                 |
| Transfer of Development Rights (Receiver Site)      | Article 3, Division 10                 |

**B. Final Decisions.**

The Planning and Zoning Board shall act as the final decisionmaker, with an appeal pursuant to Article 3 Division 7 to the City Commission, for:

| <b>POWERS AND DUTIES</b> | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|--------------------------|--|
| Major Conditional Uses   | Article 3, Division 4                  |

*This Division is derived from the Development Review Process Handbook, the City Charter and Article 25 of the existing Zoning Code. The powers and duties in Article 25 are substantially abbreviated and additional responsibilities are added. These additional duties will allow the City to have greater scrutiny over contextual and neighborhood issues for uses otherwise permitted as of right. These issues have been identified by many in the City as needing greater scrutiny. The procedures for all of these approvals are set forth in Article 3.*

**Section 2-202. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Planning and Zoning Board shall be composed of seven (7) members, five (5) of whom shall be appointed by the City Commission, one of whom shall be nominated by the City Manager, subject to approval of the City Commission and one of whom shall be nominated by the six (6) members so appointed, subject to approval of the City Commission. In the event that the six (6) members shall fail to agree on the seventh (7th) member, such member shall then be nominated by the City Commission after a thirty (30) day waiting period. A member of the Planning Department shall be named by the City Manager to act as a non-voting ex-officio member of the Board.

*This is the existing method of appointment.*

2. In making appointments to the Planning and Zoning Board, membership shall be sought from a diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate. Each member of the Board shall also be a resident citizen in the City of Coral Gables during the term of appointment and also for at least five (5) years prior to appointment.

*This description of qualifications is slightly modified. The existing requirement of ownership of property has been deleted.*

3. A representative of the school district appointed by the school board as a non-voting member of the Planning and Zoning Board to attend the Board meetings when comprehensive plan amendments and rezonings are on the agenda which would, if approved, increase residential density on the property that is the subject of the application.

*Subsection A3 is required by Section 163.3174, Florida Statutes.*

**B. Terms.** The members of the Planning and Zoning Board shall serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1, and ending on May 31st of the next odd year or until their successor is appointed. No member of the Planning and Zoning Board shall serve more than eight (8) consecutive years on the Board.

**C. Vacancies.** Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the four (4) terms for which a member is eligible for appointment, unless the unexpired term is two (2) years or more.

**D. Removal.** Pursuant to the City Charter, any member of the Planning and Zoning Board may be removed for any reason by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two-year period. Excused absences shall include illness and absence from the City.

**Section 2-203. Meetings; Quorum; Required Vote.**

**A. Meetings.** The Planning and Zoning Board shall hold one regular meeting each month, and special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedures to be followed at meetings, shall be as prescribed by the Chairperson and the Secretary of the Board.

**B. Quorum; Required Vote.** Four (4) members of the Board shall constitute a quorum and the affirmative vote of a majority of the Board present shall be necessary for the adoption of any motion. A workshop meeting where no business is conducted may be held without a quorum. A tie vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If a matter is postponed due to lack of a quorum, the Chairperson of the Board shall set a special meeting as soon as practicable to consider such matter.

**Section 2-204. Officers; Staff.**

**A. Officers.** The Planning and Zoning Board annually shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the Board. All officers shall be elected for one-year terms and shall be eligible for re-election.

**B. Staff/Secretary.** The ex-officio member of the Board shall provide such support services to the Board as may be necessary to assist the Board in the performance of its duties and shall serve as the Secretary for the Board. The Board also may, subject to City Commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the Board.

**Section 2-205. Rules and Records.**

The Planning and Zoning Board may establish such rules of procedure as it may determine necessary to carry out its duties. Such rules of procedure shall be approved by the City Commission. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

**Division 3. Board of Architects**

**Section 2-301. Powers and Duties.**

Pursuant to the City Charter, and subject to those provisions, a Board of Architects is created to ensure that the City's architecture is consistent with the City's regulations. In addition to any power or duty delegated by the City Commission or the City Manager, the Board of Architects shall act as a recommending Board for the following:

| <b>POWER &amp; DUTIES</b>  | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|--|--|
| Building Permit Review/Architectural Design Standards Compliance | Article 3, Divisions 2-4               |
| Conditional Use Review   | Article 3, Division 4                  |

**Section 2-302. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Board of Architects shall be composed of at least seven (7) members.
2. The City Manager, subject to the approval of the City Commission, shall appoint all members of the Board of Architects, considering the following qualifications:
  - a. Each member shall have been an urban design professional, an architect or landscape architect responsible for the design and construction of projects within the City of Coral Gables during the last five (5) years and shall have a minimum of ten (10) years experience in their profession.
  - b. Each member shall either be a resident or have their principal place of business in the City of Coral Gables.
  - c. Each member shall be an urban design professional or registered architect or landscape architect in the State of

*This Division is derived from Article 23 of the existing Code and also the handout for the Board of Architects dated 7/98. The following changes are proposed: to have the Board of Architects review minor conditional uses (which include site plans) to get their input before building permit on siting issues. It should be noted that there are references to the Board of Architects throughout the existing code, but it's unclear when such review is required and what standards apply – a substantial simplification of the existing code is suggested in that respect. Additional changes are suggested to the composition of the Board and the terms of the members to make their terms more definite.*

*The existing panel structure has been eliminated and the qualifications have been slightly changed (to add urban design professionals and only a majority of the members need to be members of AIA).*

Florida.

- d. A majority of members shall be members of the American Institute of Architects.

**B. Terms.** The members of the Board of Architects shall serve at the pleasure of the City Commission. The terms of the members shall be as follows:

1. Eighteen (18) months per term and not more than eight (8) consecutive years.
2. The term of the members of the Board shall be so established that the terms of two members of the Board will expire on June 30 and December 31 of each year, and two new members will be appointed on July 1 and January 1 of each year.
3. No regular member of the Board of Architects shall be reappointed as a member of the Board until a minimum of twelve (12) months have intervened between appointments.

**C. Vacancies.** Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as part of the term limit.

**D. Removal.** Pursuant to the City Charter, any member of the Board of Architects may be removed for any reason by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two-year period. Excused absences shall include illness and absence from the City.

**Section 2-303. Meetings; Quorum; Required Vote.**

**A. Meetings.** The Board of Architects shall meet at least twice each month, 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. The Secretary for the Board shall be responsible for setting the agenda of the Board prior to a meeting of the Board and only those items on the agenda of the Board shall be considered by the Board.

*The Board meets weekly now. The number of meetings need not be so frequent with the reallocation of architectural review to the City Architect and clarification of staff role in approval of certain architectural features.*

**B. Quorum; Required Vote.** A majority of the Board shall constitute a quorum for the Board and the affirmative vote of a majority of the Board members present shall be necessary for any action. The approval of at least a majority of the Board of Architects, 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. Policies of the Board shall be approved by a majority of all the members of the Board. A tie-vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If a matter is postponed due to lack of a quorum, the Chairperson of the Board shall set a special meeting as soon as practicable to consider such matter.

**Section 2-304. Officers; Staff.**

**A. Officers.** The Board of Architects annually shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the Board. All officers shall be elected for one-year terms and shall be eligible for re-election.

**B. Staff/Secretary.** The City Manager is authorized and empowered to appoint a Secretary for the Board. The Board may, subject to City Commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the Board.

**Section 2-305. Rules and Records.**

The Board of Architects may establish such rules of procedure as it may determine necessary to carry out its duties. Such rules of procedure shall be approved by the City Commission. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

*No formal votes are currently taken. These procedures will substantially change the way the Board “does business.” However, the LDRs contemplate that the routine matters that they currently consider will be delegated to staff, in particular the City Architect. See Section 2-706.*

**Division 4. Board of Adjustment**

**Section 2-401. Powers and Duties.**

Pursuant to the City Charter, and subject to those provisions, a Board of Adjustment is created to provide relief from hardships and errors in the application of the LDRs. In addition to any power or duty delegated by the City Commission or the City Manager, the Board of Adjustment shall have the following powers and duties:

| <b>POWER &amp; DUTIES</b>                                  | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|--|--|
| Variances  | Article 3, Division 8                  |
| Appeals (from staff decisions and the Board of Architects) | Article 3, Division 6                  |
| Determinations of Compliance                               | Article 5, Division 8                  |

**Section 2-402. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Board of Adjustment shall be composed of seven (7) members, five (5) of whom shall be appointed by the City Commission, one of whom shall be nominated by the City Manager, subject to approval of the City Commission and one of whom shall be nominated by the six (6) members so appointed, subject to approval of the City Commission. In the event that the six (6) members shall fail to agree on the seventh (7th) member, such member shall then be appointed by the City Commission. A member of the staff of the Building and Zoning Department shall be named by the City Manager to act as a non-voting ex-officio member of the Board.
2. In making appointments to the Board of Adjustment, membership shall be sought from a diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate. Each member of the Board shall also be a resident citizen in the City of Coral Gables during the

*This Division is derived from Article 24 of the existing Code and also the handout for the Board of Adjustment dated 7/98. A term limit similar to the Planning & Zoning Board of 8 years is suggested.*

*Qualifications of membership have been changed to eliminate the requirement of ownership of property.*

term of appointment and also for at least five (5) years prior to appointment.

**B. Terms.** The members of the Board of Adjustment shall serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1, and ending on May 31st of the next odd year or until their successor is appointed. No member of the Board of Adjustment shall serve more than eight (8) consecutive years on the Board.

*Term limit is new.*

**C. Vacancies.** Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the four (4) terms for which a member is eligible for appointment, unless the unexpired term is two (2) years or more.

**D. Removal.** Pursuant to the City Charter, any member of the Board of Adjustment may be removed for any reason by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two-year period. Excused absences shall include illness and absence from the City.

**Section 2-403. Meetings; Quorum; Required Vote.**

**A. Meetings.** The Board of Adjustment shall hold one regular meeting per month, and special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Chairperson and the Secretary of the Board.

**B. Quorum; Required Vote.** Four (4) members of the Board shall constitute a quorum and the affirmative vote of a majority of the Board present shall be necessary to authorize a variance or grant an appeal. A tie-vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If a matter is postponed due to lack of a quorum, the Chairperson of the Board shall set a special meeting as soon as practicable to consider such matter.

**Section 2-404. Officers; Staff.**

**A. Officers.** The Board of Adjustment annually shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the Board. All officers shall be elected for one-year terms and shall be eligible for re-election.

**B. Staff/Secretary.** The ex-officio member of the Board shall provide such support services to the Board as may be necessary to assist the Board in the performance of its duties and shall serve as the Secretary for the Board. The Board also may, subject to City Commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the Board.

**Section 2-405. Rules and Records.**

The Board of Adjustment may establish such rules of procedure as it may determine necessary to carry out its duties. Such rules of procedure shall be approved by the City Commission. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

**Division 5. Historic Preservation Board**

**Section 2-501. Powers and Duties.**

Pursuant to the City Charter, and subject to those provisions, a Historic Preservation Board is created to preserve, protect and harmonize new development with the historic resources that serve as visible reminders of the history and cultural heritage of the City, state or nation. In addition to any power or duty delegated by the City Commission or the City Manager, the Historic Preservation Board shall have the following powers and duties:

*This Division is derived from Article 31 and sections 11-26 through 11-127 of the existing code. The description of the powers of the Board is abbreviated but not substantially changed. All procedures applicable to this Board are to be included in Article 3, along with all other development review procedures.*

| POWER & DUTIES  | APPLICABLE STANDARDS/PROCEDURES                     |
|---|---|
| Designation of Historic Landmarks and Historic Districts  | Article 3, Division 11                              |
| Review of development applications affecting historic resources; Special Certificates of Appropriateness (including variances)  | Article 3, Division 11; Article 3, Division 8       |
| Delegate to the Historic Preservation Officer the authority to grant Standard Certificate of Appropriateness and other appropriate duties.  | Article 2, Section 2-705(5); Article 3, Division 11 |
| Participation in national register program  | Article 3, Division 11                              |
| Enforcement of maintenance and repairs provisions   | Article 3, Division 11                              |
| Unsafe structures   | Article 7   |
| Recommend to the City Commission concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.   |   |
| Increase public awareness of the value of historic conservation by developing and participating in public information programs.   |   |
| Make recommendations to the City Commission concerning the utilization of grants from federal and state agencies or private groups and individuals, and utilization of City funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones. |   |

*This section has been slightly edited to fit proposed format but substantially it is the same.*

|  |  |
|--|--|
| districts and zones.   |  |
| Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.   |  |
| Contact public and private organizations and individuals and endeavor to arrange intervening agreements to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.                                      |  |
| In the name of the City and with the approval of the City Commission, apply for, solicit, receive, or expend any federal, state, or private grant, gift, or bequest of any funding, property, or interest in property in furtherance of the purposes of historical, archaeological, and heritage conservation. |  |
| Recommend approval of historic markers and plaques and give recognition to designated historic landmarks and historic landmark districts within the City.  |  |
| Advise the City Commission on all matters related to the use, administration and maintenance of City-owned designated historic landmarks and historic landmark districts.  |  |

**Section 2-502. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Historic Preservation Board shall be composed of nine (9) members: One (1) member shall be appointed by each member of the City Commission; one (1) shall be nominated by the City Manager, subject to approval of the City Commission and one (1) shall be nominated as a citizen-at-large by the six (6) members so appointed, subject to approval of the City Commission.
  
2. In making appointments to the Historic Preservation Board, membership shall be sought from persons of knowledge, experience, mature judgment, and background, having ability and desire to act in the public interest and representing insofar as may be possible the various special professional training, experience, and interests required to make informed and equitable decisions concerning conservation and protection of the physical environment, and also as follows:
  - a. The six appointments made by the City Commission and City Manager shall include at least one (1) each from the following professions:
    - i. One (1) architect or preservation architect registered in the state.
    - ii. One (1) historian or architectural historian.
    - iii. One (1) certified planner or registered landscape architect.
    - iv. One (1) professional in the field of real estate, development, or licensed general contractor.
    - v. One (1) attorney-at-law.
  
  - b. The appointment made by the Board shall be of a citizen-at-large with a demonstrated interest in preservation.
  
  - c. Each member of the Board shall be a resident of the City during the term of his appointment, and also for at least five (5) years prior to appointment unless waived by a four fifths (4/5) vote of the City Commission.

*31-3.3a (initial Board members) first sentence deleted as unnecessary*

*2-502 = 31-3.2 (Composition, qualification of members)*

*New term limit suggested to conform to other Boards.*

**B. Terms.** The members of the Historic Preservation Board shall

serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1, and ending on May 31st of the next odd year or until their successor is appointed. No member of the Historic Preservation Board shall serve more than eight (8) consecutive years on the Board.

**C. Vacancies.** Appointments to fill any vacancy on the Historical Preservation Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the four (4) terms for which a member is eligible for appointment, unless the unexpired term is two (2) years or more.

**D. Removal.** Pursuant to the City Charter, any member of the Historic Preservation Board may be removed for any reason by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two-year period. Excused absences shall include illness and absence from the City.

*[Now removal is for cause 31-3.316; members of other Boards serve at the pleasure of the City Commission]*

**Section 2-503. Meetings; Quorum; Required Vote.**

**A. Meetings.** The Historic Preservation Board shall hold regular meetings and may hold special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Chairperson and Secretary of the Board.

**B. Quorum; Required Vote.** Five (5) members of the Board shall constitute a quorum and the affirmative vote of a majority of the full Board shall be required for the adoption of any motion. A workshop meeting where no business is conducted may be held without a quorum. A tie vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If a matter is postponed due to lack of a quorum, the Chairperson of the Board shall set a special meeting as soon as practicable to consider such matter.

**Section 2-504. Officers; Staff.**

**A. Officers.** The Historic Preservation Board annually shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the Board. The Secretary of the Board shall be the historic landmark officer who shall not be eligible to vote. All officers shall be elected for one-year terms and shall be eligible for re-election.

**B. Staff.** The City Manager, subject to the advice and consent of the Historic Preservation Board, shall appoint an historic landmark officer to assist the Board. The appointee shall be experienced and knowledgeable in respect to architectural history, urban design, local history, landscape materials, site planning and land use regulations and shall have the duties specified in Section 2-705. The Board also may, subject to City Commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the Board.

*See Section 2-705 for description of HPO.*

**Section 2-505. Rules and Records.**

The Historic Preservation Board may establish such rules of procedure as it may determine necessary to carry out its duties. Such rules of procedure shall be approved by the City Commission. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

**Division 6. Code Enforcement Board**

*Note: This Division is derived from sections 2-61 through 2-79 of the existing city code.*

**Section 2-601. Powers and Duties.**

Pursuant to the City Charter and Chapter 162 of the Florida Statutes, and subject to those provisions, a Code Enforcement Board is created to enforce the codes and regulations in effect in the City. The Code Enforcement Board shall have the following powers and duties:

| <b>POWER &amp; DUTIES</b> | <b>APPLICABLE STANDARDS/PROCEDURES</b> |
|---------------------------|--|
| Code Violations           | Article 7                              |
| Issue Subpoenas           | Article 7                              |

**Section 2-602. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Code Enforcement Board shall be composed of seven (7) members, appointed by the City Commission.
2. In making appointments to the Code Enforcement Board, membership shall be sought from persons residing in the city who have experience or interest in the fields of zoning and building control. Whenever possible, membership shall consist of an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor, but shall not be limited to these professions if there are no qualified persons available.

**B. Terms.** The members of the Code Enforcement Board shall serve at the pleasure of the City Commission. All appointments shall be for a three (3) year staggered terms. No member of the Code Enforcement Board shall serve more than eight (8) consecutive years on the Board.

*Term limit is new, consistent with other boards.*

**C. Vacancies.** Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the three (3) terms for which a member is eligible for appointment, unless the unexpired term is three (3) years or more.

**D. Removal.** Pursuant to Sections 2-46(i) and 93 of the City Charter, any member of the Code Enforcement Board may be removed for any reason by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two-year period. Excused absences shall include illness and absence from the City.

**Section 2-603. Meetings; Quorum; Required Vote.**

**A. Meetings.** The Code Enforcement Board shall hold regular meetings at least once every two (2) months and may hold special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Chairperson and Secretary of the Board.

**B. Quorum; Required Vote.** Four (4) members of the Board shall constitute a quorum and the affirmative vote of a majority of the full Board shall be required for the adoption of any motion. If a matter is postponed due to lack of a quorum, the Chairperson of the Board shall set a special meeting as soon as practicable to consider such matter.

**Section 2-604. Officers; Staff.**

**A. Officers.** The Code Enforcement Board annually shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the Board. All officers shall be elected for one-year terms and shall be eligible for re-election.

**B. Staff.** A Code Enforcement Officer shall be appointed by the City Manager to assist the Board and initiate enforcement actions. The Board also may, subject to City Commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the Board, including Code Enforcement Hearing Officers.

**Section 2-605. Rules and Records.**

The Code Enforcement Board may establish such rules of procedure as it may determine necessary to carry out its duties. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

**Division 7. Administrative Decision Makers and Enforcement Officers**

*This Division is new and is derived from the Development Review Process Handbook and generally from the existing code. Some changes are recommended.*

**Section 2-701. City Manager.**

The City Manager is the chief executive officer for the City of Coral Gables with ultimate authority over the implementation of the LDRs. The City Manager has the authority to delegate his authority to City staff as necessary for the effective administration and enforcement of the LDRs.

**Section 2-702. City Attorney.**

The City Attorney serves as the final authority with regard to legal issues involving interpretation and implementation of the LDRs.

**Section 2-703. Building and Zoning Department**

The Building and Zoning Director is the official charged with the administration of certain provisions of these LDRs:

| <b>POWERS AND DUTIES</b>   | <b>APPLICABLE STANDARDS/PROCEDURE</b> |
|--|---------------------------------------|
| Building Permits   | Article 3, Division 2                 |
| Certificates of Use  | Article 3, Division 2                 |
| Determination of Compliance with Development Standards                 | Articles 3, 4                         |
| Enforcement of LDRs  | Article 7                             |
| Preparation of Reports and Recommendations for the Board of Adjustment | Article 3, Divisions 6, 8             |
| Coordination of Concurrency Management Program                         | Article 3, Division 13                |

**Section 2-704. Planning Department**

The Director of the Planning Department is the official charged with the administration of certain provisions of these LDRs:

| <b>POWERS AND DUTIES</b>  | <b>APPLICABLE STANDARDS/PROCEDURE</b> |
|---|---------------------------------------|
| Comprehensive Land Use Plan (CLUP) Text Map Amendments  | Article 3, Division 15                |
| Conditional Uses  | Article 3, Division 4                 |
| Developments of Regional Impact (DRI)   | Article 3, Division 16                |
| Ensure Compliance with CLUP   |                                       |
| Interpretation of Provisions of LDRs within the Jurisdiction of the Planning and Zoning Board       | Articles 3, 4                         |
| Planned Area Development  | Article 3, Division 5                 |
| Preparation of reports and recommendations to the City Commission and the Planning and Zoning Board | Articles 3, 4                         |
| Subdivision/Platting  | Article 3, Division 9                 |
| Text of LDRs and Map Amendments   | Article 3, Division 14                |
| Transfer of Development Rights  | Article 3, Division 10                |

**Section 2-705. Historical Resources Department and Historical Preservation Officer**

- A. The Historical Resources Department shall be responsible for and enforce the provisions of these LDRs as they relate to the historical resources of the City.
- B. The City Manager shall appoint a person to serve as historic landmark officer to serve as secretary to the Historic Preservation Board. The appointee shall be experienced and knowledgeable in respect to architectural history, local history, landscape materials, site planning and land use regulations. The historic landmark officer shall:
  - 1. Schedule meetings of the Historic Preservation Board, prepare agendas and ensure that proper notice is carried out by

persons or departments assigned to such duties.

2. Prepare designation reports, which establish and define the historic significance and character of the proposed designated historic landmarks and historic landmark districts and all other items as described in Section 3-1103 et seq., for designation reports.
3. Prepare national register of historic places nomination proposals.
4. Provide applicable advice, standards, guidelines and procedures to prospective applicants for certificates of appropriateness for historic landmarks and historic landmark districts.
5. Upon receipt of a complete application for a Certificate of Appropriateness for a designated historic landmark and for properties within an historic landmark district, review such application, which may include a field check of the site and referral to other departments or agencies as necessary, to determine any adverse effect upon the public welfare; and approve or deny standard certificates of appropriateness.
6. Develop and maintain a survey and record of unique historically or archaeologically significant sites, districts or zones within the City.
7. Maintain and update an official inventory delineating historic landmarks and a photographic documentation of all officially designated historic landmarks and historic landmark districts.
8. Prepare summary reports of all decisions on applications for all certificates of appropriateness for designated historic landmarks and historic landmark districts including criteria and conditions for approval or denial.
9. Issue all approved certificates of appropriateness for designated historic landmarks and for properties within historic landmark districts.

10. Review and approve all final development plans for designated historic landmarks and historic landmark districts, for compliance with terms and conditions of applicable certificates of appropriateness, prior to issuance of any building permit.
11. Commencement of enforcement of maintenance and repair provisions pursuant to Article 7.
12. Work with state, county, other local governments, other city departments, public agencies, and private groups as required to provide a continuing effort to protect and preserve significant elements of the manmade and the natural environment through public education and encouragement of sound conservation policies.
13. Issue letters determining the historical significance of a property. Such determinations do not constitute development orders and are valid for a period of six months. In the case where the historic landmark officer or designee determines that the property does not meet the minimum eligibility criteria for designation, a permit for the demolition of the property must be issued within the six-month period. Whenever the six-month period has elapsed without action by the applicant, the applicant shall be required to file a new application.

**Section 2-706. City Architect.**

The City Architect is responsible for reviewing and approving the design of new buildings and structures and modifications to existing structures in the City in accordance with the standards in Article 5 Division 2 of these LDRs. The City Architect is also responsible for reviewing all applications for development approval that require Board of Architect's review and shall serve on the Development Review Committee.

**Section 2-707. Development Review Official**

The Development Review Official (DRO) is responsible for the overall coordination of the administration of these LDRs. Specifically, the DRO is responsible for receiving applications for development approval,

*This would be a new position, important for ensuring that the City's design ethic is maintained and enhanced. The respective design responsibilities would include: review and approval of all single family, in conjunction with the HPO for historic properties, and review and recommendation to the DRC for contextual issues and review and recommendation to the Board of Architects for all multi-family and non residential.*

*This is an important new position. The authority is granted to the City Manager, if it is deemed appropriate, to have two (2) DRO's, one (1) in the Building and Zoning Department and one (1) in the Planning Department.*

determining whether they are complete, coordinating the review of the Development Review Committee and Administrative Review Committee, and granting development minor conditional use approval. If it is determined appropriate by the City Manager, more than one (1) Development Review Official may be appointed.

**Section 2-708. Building Official.**

The Building Official is responsible for the implementation of the various building codes adopted by the City. The Building Official issues building permits and certificates of occupancy, upon a determination by the City of compliance of such applications with the City's regulations and any prior approvals by the City.

**Section 2-709. City Engineer.**

The City Engineer is charged with the implementation, development and maintenance of the technical standards for site development in the City. The City Engineer makes administrative decisions regarding concurrency compliance pursuant to Article 3, Division 13.

**Section 2-710. Code Enforcement Officer.**

The Code Enforcement Officer is charged with the initiation of and prosecution of enforcement actions pursuant to Article 7 of the LDRs. The Code Enforcement Officer prepares reports and recommendations for the Code Enforcement Board.

**Division 8. Development Review Committee**

**Section 2-801. Powers and Duties.**

A Development Review Committee (“DRC”) is created to act as the first level of review for applications for development approval.

**Section 2-802. Membership.**

The DRC shall be composed of representatives from every department or division of the City Administration appropriate to review an application for development approval, including the City Architect, Concurrency Administrator, Zoning Administrator, Building Official, Fire Marshall, Landscape Services Division Superintendent, Historic Preservation Officer, Public Works Engineer, and an assigned Police Sergeant and other persons as may be necessary.

**Section 2-803. Responsibilities/Meetings.**

The DRC reviews applications for development approvals for compliance with all applicable regulations and the Development Review Official coordinates all comments from each member of the DRC and makes a recommendation to the applicable decision-making body.

*This Division is based on the Development Review Committee Manual. Certain modifications have been added as recommendations to facilitate implementation of this important Committee.*

*The City Architect has been added to this Committee in order to assist in design review. The distinction between Executive and Technical Committees is recommended to be deleted.*

*We recommend that the DRC not meet with applicants, not take votes and that the Development Review Official work with the membership to coordinate comments on applications for development approval, resolve conflicts, and then meet with applicants. Of course, there will be instances where the Coordinator will need a particular department to meet directly with the applicant.*