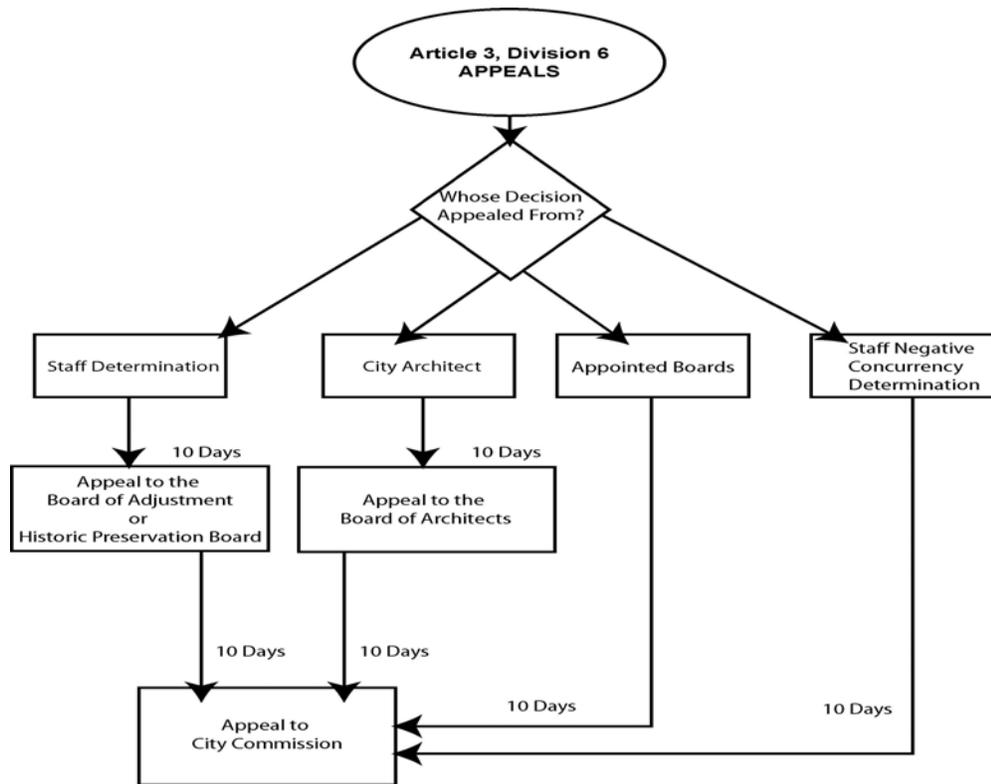


ARTICLE 3 – DEVELOPMENT REVIEW
Division 6 – Appeals

Section 3-601. Purpose and applicability.

The purpose of this Division is to set forth procedures for appealing the decisions of City staff where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these LDRs, regulations. Moreover, it is the purpose of this Division and to set forth standard procedures for appealing the decisions of the City's decisionmaking bodies.

Section 3-602. General procedures.



1 **Section 3-603. Appeals from negative concurrency determinations.**

2
3 An appeal from a negative concurrency determination shall be taken to the City Commission by any
4 aggrieved party in accordance with the procedures of Section 3-606.
5

6 | **Section 3-604. Appeals from decisions of ~~the Board of Architects or~~ City Staff.**

7
8 | ~~Other than a~~An appeal from ~~any~~ decision of the ~~Board of City Architects or~~, where it is alleged that there
9 is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation
10 of these ~~LDRs~~regulations by City staff, an appeal shall be taken by an aggrieved party to the Board of
11 Adjustment or the Historic Preservation Board, in the case of an appeal from a decision of the Historic
12 Preservation Officer, no later than sixty (60) days after the decision has been made. Application for
13 postponement of the public hearing of an appeal shall be considered according to the provisions stated in
14 Sections ~~3-6086 and 608A.~~
15

16 | **Section 3-605. Appeals from decisions of the Board of Adjustment, ~~Planning and Zoning Board,~~**
17 **~~Board of Architects~~ and Historic Preservation Board. (3058, 3134, 3193)**

18
19 | An appeal from any decision of the Board of Adjustment, ~~Board of Architects~~ ~~Planning and Zoning Board~~
20 or Historic Preservation Board may be taken to the City Commission by any aggrieved party in
21 accordance with the provisions of Section 3-606C.
22

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

24
25 The following procedures shall govern the filing of appeals:
26

27 | A. Appeals from ~~Board of Architects and~~ City Staff, other than the City Architect. An aggrieved party
28 may file a written Notice of Appeal to the Board of Adjustment or the Historic Preservation Board with
29 the Development Review Official or Historic Preservation Officer, as provided in Section 3-604, within
30 ten (10) days of the administrative decision ~~or the decision of the Board of Architects~~ being appealed
31 from. The appeal should be accompanied by any relevant documents related to the appeal. The
32 appeal shall be considered by the Board of Adjustment, the Planning and Zoning Board or Historic
33 Preservation Board within fourteen (14) days after receipt of the notice. The Board of Adjustment or
34 Historic Preservation Board shall grant the appeal, with or without conditions, ~~or~~ deny the appeal, or
35 remand for further proceedings.
36

37 B. Appeals from the City Architect. An aggrieved party may file a written Notice of Appeal to the Board
38 of Architects from a decision of the City Architect within ten (10) days of the decision being appealed
39 from. The appeal shall be considered by the Board of Architects within fourteen (14) days after
40 receipt of the notice. The Board shall grant the appeal, with or without conditions or deny the appeal.
41

42 | BC. Appeals ~~of Decisions~~ of Board of Adjustment, ~~Planning and Zoning Board,~~ Board of Architects and
43 Historic Preservation Board. Any aggrieved party desiring to appeal a decision of the Board of
44 Adjustment, Board of Architects, ~~Planning and Zoning Board,~~ or Historic Preservation Board shall,
45 within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk,
46 whose duty it shall then become to send a written notice of such appeal to all persons previously
47 notified by the Board in the underlying matter. The appeal shall then be heard by the City
48 Commission at its next meeting, provided at least ten (10) days has intervened between the time of
49 the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not intervene
50 between the time of the filing of the notice and the date of the next meeting, then the appeal shall be
51 heard at the next ~~following~~ regular meeting of the City Commission and the City Commission shall
52 render a decision, without any unnecessary or undue delay, unless application for deferral has been
53 made as permitted in Section 3-6089 of this Division.
54

55 | C.D. Stay of Proceedings. An appeal shall stay all proceedings in the matter appealed from until the
56 final disposition of the appeal by the City Commission or other Board with jurisdiction.

1
2 | ~~D.E.~~ City Commission Decision. The City Commission shall conduct a de novo review of the decision of
3 | the Board of Adjustment, ~~Planning and Zoning Board,~~ Board of Architects or the Historic Preservation
4 | Board. The property owners, objectors or interested parties may offer or submit additional evidence
5 | and testimony at the hearing before the City Commission. The City Commission is authorized to
6 | affirm, affirm with conditions, override the decision of the Board of Adjustment, ~~the Planning and~~
7 | ~~Zoning Board,~~ Board of Architects or the Historic Preservation Board, or remand for further
8 | proceedings to the applicable Board. Any decision by the Board of Adjustment, ~~or Planning and~~
9 | ~~Zoning Board,~~ Board of Architects or Historic Preservation Board can only be reversed by a majority
10 | vote of the City Commission. The granting of any appeal by the City Commission shall be by
11 | resolution.
12

13 | **Section 3-607. Appeals from decision of the City Commission.**
14

15 | An action to review any decision of the City Commission under these LDRs regulations may be taken by
16 | any person or persons, jointly or severally, aggrieved by such decision by presenting to the Circuit Court
17 | a petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in
18 | whole or in part, certifying the grounds of the illegality, provided same is done in the manner and within
19 | the time provided by Florida Rules of Appellate Procedure.
20

21 | Challenges to development order decisions based on consistency or inconsistency of the development
22 | order with the City of Coral Gables Comprehensive Plan shall be governed by the provisions of Section
23 | 163.3215, Florida Statutes (1995).
24

25 | The record of the Commission or any board or official from which appeal is taken shall include any
26 | application, exhibits, appeal papers, written objections, waivers or consents, considered by the
27 | Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before
28 | the Commission or any such board, the City Commission minutes or the board's minutes and resolution
29 | showing its decision or action, and if the record of a lower board is transmitted to the City Commission,
30 | the record of the City Commission shall include the record of the lower board. The record shall also
31 | include any and all applicable portions of these LDRs regulations and where applicable the City Code, the
32 | report and recommendations of City staff, the City's Comprehensive Land Use Plan, as well as applicable
33 | district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also
34 | include the record made as a result of any prior applications for development approval on the same
35 | property. The Clerk of the City Commission shall identify all exhibits used at the hearing. All exhibits so
36 | identified or introduced shall be a part of the record.
37

38 | **Section 3-608. Postponement of appeals ~~of from~~ the Board of Adjustment, ~~Planning and Zoning~~**
39 | **Board, Historic Preservation Board or Board of Architects.**
40

41 | A. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission
42 | on an application from the Board of Adjustment or Board of Architects or an appeal to the Board of
43 | Adjustment on an application from a decision of the Board of Architects or City Staff shall adhere to
44 | the following provisions for postponement:
45

- 46 | 1. First postponement must be requested in writing to the Office of the City Manager for items being
47 | considered by the City Commission, or to the Building and Zoning Director for items being
48 | considered by the Board of Adjustment, which will be automatically granted, upon payment of a
49 | fee established by City Code. The item will then be placed on the next month's agenda.
50
- 51 | 2. Second postponement by the same party must be requested in the same manner as the first
52 | postponement, which will be automatically granted upon payment of a fee established by City
53 | Code.
54
- 55 | 3. Following two postponements, the item will then be placed on the next month's agenda and there
56 | shall be no further postponements absent approval of the reviewing body. The third and each

1 additional postponement, if approved, shall only be granted upon payment of a fee established by
2 City Code.

3
4 B. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission
5 on an application from the ~~Planning and Zoning~~ Historic Preservation Board, shall adhere to the
6 following provisions for postponements:

- 7
8 1. First postponement. Requests for initial postponement must be requested in writing to the Office
9 of the City Manager. A copy of the request shall be forwarded to the Board Secretary and the
10 City Clerk. The request shall include a specific time frame for postponement. No more than 90
11 calendar days may be requested and will be automatically granted.
- 12
13 2. Second postponement. Requests for second postponement must be requested in writing to the
14 Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and
15 the City Clerk. The second postponement request may not exceed 30 calendar days. The City
16 Manager's Office shall evaluate the request and may administratively grant the request or
17 schedule the request for City Commission review and approval.
- 18
19 3. Third postponement. If the appeal is not considered by the City Commission within the 120
20 calendar days as provided above, the application shall be scheduled for City Commission
21 consideration at the next available City Commission meeting. The City Commission shall
22 evaluate the application and determine if additional postponement are warranted. The maximum
23 time frame an appeal can be postponed from the initial date the application was scheduled for
24 City Commission consideration is 180 days.
- 25
26 4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all
27 applicable costs for all postponement requests including applicable fees established by City
28 Code. If the City Commission requests adjacent property owners be notified or advertised, all
29 costs shall be the responsibility of the applicant or aggrieved party.
- 30
31 5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the
32 requirements provided in this Division, which shall include monitoring and insuring the application
33 proceeds forward for City Commission consideration. Failure of the applicant to follow the above
34 provisions shall terminate the appeal.
- 35
36 6. Appeal review expiration. Appeals which do not secure City Commission consideration as
37 provided in the above sections or are not considered by the City Commission within six (6)
38 months shall be deemed abandoned and void.
- 39