

City of Coral Gables Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: May 12, 2010

Subject: **Zoning Code Text Amendments.** An Ordinance of the City Commission of Coral Gables, Florida amending the following regulations of the Official Zoning Code:

1. Article 3, "Development Review", Division 3, "Uniform Notice and Procedures for Public Hearing", Section 3-303, "Reconsideration of City Architect Determination - Panel Review by Board of Architects", amending requirements for reconsideration of City Architect determinations;
2. Article 3, "Development Review", Division 5, "Planned Area Development", Section 3-505, "Time limit on approval"; and, Section 3-509, "Commencement of construction", providing consistency with similar Zoning Code provisions regarding time limitation of approval and construction;
3. Article 4, "Zoning Districts", Division 1, "Residential Districts", Section 4-101, "Single-Family Residential (SFR) District"; Section 4-102, "Multi-Family 1 Duplex (MF1) District"; Section 4-103, "Multi-Family 2 (MF2) District"; Section 1-104, "Multi-Family Special Area (MFSA) District"; Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District"; Division 3, "Nonresidential Districts", Section 4-301, "Commercial Limited (CL) District"; Section 4-302, "Commercial District (C)"; and, Section 4-303, "Industrial District (I)", to allow trellises as a permitted accessory use;
4. Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-113, "Trellises", to permit the use of metal as a construction material for trellises; and,
5. Article 8, "Definitions", to provide for definitions; and, providing for severability, repealer, codification and an effective date.

Recommendation

The Planning Department recommends approval of amendments to the following regulations of the Official Zoning Code of the City of Coral Gables, Florida:

1. Article 3, "Development Review", Division 3, "Uniform Notice and Procedures for Public Hearing", Section 3-303, "Reconsideration of City Architect Determination - Panel Review by Board of Architects", amending requirements for reconsideration of City Architect determinations;
2. Article 3, "Development Review", Division 5, "Planned Area Development", Section 3-505, "Time limit on approval"; and, Section 3-509, "Commencement of construction", providing consistency with similar Zoning Code provisions regarding time limitation of

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- approval and construction;
3. Article 4, "Zoning Districts", Division 1, "Residential Districts", Section 4-101, "Single-Family Residential (SFR) District"; Section 4-102, "Multi-Family 1 Duplex (MF1) District"; Section 4-103, "Multi-Family 2 (MF2) District"; Section 1-104, "Multi-Family Special Area (MFSA) District"; Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District"; Division 3, "Nonresidential Districts", Section 4-301, "Commercial Limited (CL) District"; Section 4-302, "Commercial District (C)"; and, Section 4-303, "Industrial District (I)", to allow trellises as a permitted accessory use;
 4. Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-113, "Trellises", to permit the use of metal as a construction material for trellises; and,
 5. Article 8, "Definitions", to provide for definitions.

Background

Zoning Code Text Amendment #1 - Reconsideration of City Architect Determination - Panel Review by Board of Architects

Currently, there are no established time requirements for the filing or hearing of reconsiderations to City Architect administrative determinations. The proposed Zoning Code text amendment establishes time requirements for both filing reconsiderations to administrative determinations made by the City Architect and for hearings of reconsiderations which are held by a three member panel from the Board of Architects. This amendment also adds language regarding application submittal requirements for the filing of a reconsideration to a City Architect determination. The proposed amendment will also permit aggrieved parties to object to decisions made by the panel of Board of Architects in addition to allowing reconsiderations to be filed by the applicant and City Manager, which is currently permitted by Code.

Zoning Code Text Amendment #2 - Commencement of Construction (for approved Planned Area Developments)

The Zoning Code currently provides for time limitations of approvals in Section 1-111 and Section 3-505. The provisions within these sections require that Planned Area Developments must obtain permits and commence construction within eighteen (18) months from the approval date (or subsequent updates). If construction does not commence within this time period then all approvals shall expire. However, Section 1-111 provides for one 6-month extension to be allowed by the Development Review Official (DRO).

Zoning Code Section 3-509 states that a developer of a Planned Area Development must commence construction within 365 days from the effective date of the approving Ordinance (or subsequent updates), conflicting with Sections 1-111 and 3-505. To provide consistency within the Zoning Code Staff is proposing to remove Section 3-505 and amend Section 3-509 to provide for an eighteen (18) month time period from the approval date until permits must be obtained and construction must commence, and permitting one (1) six (6) month extension by the DRO.

Zoning Code Text Amendments #3 thru #5 - Trellises

This amendment will allow the use of metal as a permitted material for trellises and will add trellises as an accessory use in the S, CL, C, and I Districts. Currently, trellises can only be constructed out of certain types of wood or composite materials and metal is not permitted. Trellises are only permitted as an accessory use in SFR, MF1, MF2, and MFSA Districts. Metal

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trellises are desirable in residential, non-residential and commercial districts due to durability. Allowing decorative features of high quality and finish greatly increases the desirability and use of these features.

Trellises are currently not allowed within building setbacks (i.e. front, side, or rear setback) unless the property backs onto a canal, waterway, lake or bay. If the property backs onto one of these then trellises are permitted in the rear setback. This is due to the fact that rear setbacks abutting water are greater and allows for free standing trellises near the water. This provision currently applies to all districts where trellises are allowed as an accessory use and will apply to the all of the districts proposed to allow trellises as an accessory use. The amendment will also remove the existing definition of "Wood trellis" and provide a new, more appropriate definition of "Trellis".

Existing Trellis Provisions

- Approved as an accessory use in the following zoning districts: SFR, MF1, MF2 and MFSA.
- Review and approval is required by the City Architect or Development Review Official.
- Approved materials include solid select heart cypress, solid heart mahogany, solid heart teak, solid heart cedar, clear vertical grain redwood, pressure treated pine or fir, or a similar type or quality of wood, and composite materials as approved by the City Architect or Development Review Official.
- Attachment of fiberglass screening, plastic panels, etc. to trellises are prohibited.
- Height is subject to City Architect approval.
- Setbacks are subject to the same minimum setbacks as required for the principal building. Trellises are permitted in the rear setback of properties backing onto a canal, waterway, lake or bay.

The Ordinance containing specific language in ~~strike~~/underline format has been prepared for the proposed Zoning Code text amendments (see Attachment A).

Public Hearing Timeline

Zoning Code text amendments require review and recommendation by the Planning and Zoning Board and consideration by the City Commission at two public hearings. Upon recommendation from the Planning and Zoning Board, the proposed text amendments are tentatively scheduled to proceed forward for public hearing before the City Commission as follows:

City Commission, 1st Reading – May 25, 2010, 9:00 a.m. (Tentative)

City Commission, 2nd Reading – June 8, 2010, 9:00 a.m.

The above dates and times are subject to change.

Public Notification

The Planning and Zoning Board meeting agenda has been advertised and posted on the City web page. The staff report and attachments are also posted on the City web page.

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Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

A. Draft Ordinance.

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CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE FOLLOWING REGULATIONS OF THE OFFICIAL ZONING CODE:

- 1) ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 3, "UNIFORM NOTICE AND PROCEDURES FOR PUBLIC HEARING", SECTION 3-303, "RECONSIDERATION OF CITY ARCHITECT DETERMINATION - PANEL REVIEW BY BOARD OF ARCHITECTS", AMENDING REQUIREMENTS FOR RECONSIDERATION OF CITY ARCHITECT DETERMINATIONS;
- 2) ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 5, "PLANNED AREA DEVELOPMENT", SECTION 3-505, "TIME LIMIT ON APPROVAL"; AND, SECTION 3-509, "COMMENCEMENT OF CONSTRUCTION", PROVIDING CONSISTENCY WITH SIMILAR ZONING CODE PROVISIONS REGARDING TIME LIMITATION OF APPROVAL AND CONSTRUCTION;
- 3) ARTICLE 4, "ZONING DISTRICTS", DIVISION 1, "RESIDENTIAL DISTRICTS", SECTION 4-101, "SINGLE-FAMILY RESIDENTIAL (SFR) DISTRICT"; SECTION 4-102, "MULTI-FAMILY 1 DUPLEX (MF1) DISTRICT"; SECTION 4-103, "MULTI-FAMILY 2 (MF2) DISTRICT"; SECTION 1-104, "MULTI-FAMILY SPECIAL AREA (MFSA) DISTRICT"; DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-204, "SPECIAL USE (S) DISTRICT"; DIVISION 3, "NONRESIDENTIAL DISTRICTS", SECTION 4-301, "COMMERCIAL LIMITED (CL) DISTRICT"; SECTION 4-302, "COMMERCIAL DISTRICT (C)"; AND, SECTION 4-303, "INDUSTRIAL DISTRICT (I)", TO ALLOW TRELLISES AS A PERMITTED ACCESSORY USE;
- 4) ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 1, "ACCESSORY USES", SECTION 5-113, "TRELLISES", TO PERMIT THE USE OF METAL AS A CONSTRUCTION MATERIAL FOR TRELLISES; AND,
- 5) ARTICLE 8, "DEFINITIONS", TO PROVIDE FOR DEFINITIONS; AND,

PROVIDING FOR SEVERABILITY, REPEALER,
CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, an amendment to Zoning Code Division 3, Article 3, Section 3-303, “Reconsideration of City Architect determination - Panel review by Board of Architects” is requested to establish time requirements for reconsideration of City Architect administrative determinations; and,

WHEREAS, an amendment to Zoning Code Division 5, “Planned Area Development” is requested to provide consistency regarding the required time limitations for obtaining building permits and beginning construction for Planned Area Developments; and,

WHEREAS, an amendment is requested to Zoning Code Division 4, “Zoning Districts” to clarify the use of and to allow trellises as a permitted accessory use within the SFR, MF1, MF2, MFSA, S, CL, C and I Districts; and,

WHEREAS, Zoning Code Article 5, Division 1, Section 5-113, “Trellises” to provide regulations permitting the use of metal as a construction material for trellises; and,

WHEREAS, Zoning Code Division 8, “Definitions” to add a definition for a “Trellis” and remove the definition for “Wood trellis”; and,

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on May 12, 2010, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Board was presented with the text amendments to the Official Zoning Code, and after due consideration, recommended _____ (vote: _-_) of the text amendments; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on May 25, 2010 at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with the text amendments to the Official Zoning Code, and after due consideration and discussion, _____ the text amendments 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 provided in the following five (5) text amendments (changes noted in ~~strike through~~/underline format):

Text Amendment #1

Article 3. Development Review

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-303. Reconsideration of City Architect administrative determination—~~Panel review by Board of Architects.~~

- A. ~~An applicant for review by the Board of Architects, including an applicant seeking reconsideration of a determination by the City Architect may request or aggrieved party may file a written Notice of Reconsideration with the Building and Zoning Department designated Development Review Official within sixty (60) days of the City Architect administrative determination. The request shall be reviewed by a panel of three (3) members panel of the Board of Architects as provided for in Section 2-303(B). The request shall be considered by the Board of Architects within fourteen (14) days after receipt of the request. The panel may grant approval of the application, with or without conditions, or deny the application or require further proceedings. The application submittal requirements and additional background information required for the filing shall be determined by the Director of the Building and Zoning Department.~~
- B. ~~In the event that an applicant or aggrieved party who has received a decision of a panel of the Board of Architects or the City Manager objects to the decision of the panel, the applicant or the City Manager may within thirty (30) days of the panel's decision request a formal review of the application by the Board of Architects pursuant to the provisions of Section 3-304 governing quasi-judicial proceedings.~~

Text Amendment #2

Article 3. Development Review

Division 5. Planned Area Development

~~Section 3-505. Time limit on approval.~~

- A. ~~The developer shall obtain a building permit and begin construction of the improvements within the PAD within eighteen (18) months from the effective date of the ordinance approving the Development Plan (or subsequent updates). If the developer fails to commence construction of the PAD within the specified time period, the approval of the PAD shall expire.~~
- B. ~~If the PAD is to be developed in stages, the developer must begin construction of each stage within the time limits specified in the approved Plan (or subsequent updates). Construction in each phase shall include all the elements of that phase specified in the approved Plan.~~

Section 3-5098. Commencement of construction. Time limitation of approval and

construction.

~~The developer shall obtain a building permit and begin construction of the improvements within the Planned Area Development within three hundred and sixty five (365) days from the effective date of the Ordinance approving the Development Plan (or subsequent updates). Time limitations on permits shall be in accordance with Section 304.3 of the Florida Building Code. If the developer fails to commence construction of the Planned Area Development within the specified time or if the work is not being carried on in accordance with said Section 304.3 of the Florida Building Code the approval of the Planned Area Development shall lapse.~~

A. Approvals granted pursuant to this Division shall obtain a building permit and begin construction within eighteen (18) months from time of the approval. Failure to obtain a building permit and/or begin construction shall render the approval null and void. Permitted time frames do not change with successive owners, provided however, one (1), six (6) month extension of time may be granted by the Development Review Official.

B. If the Planned Area Development is to be developed in stages, the developer must begin construction of each stage within the time limits specified in the Development Plan (or subsequent updates). Construction in each phase shall include all the elements of that phase specified in the Development Plan.

Text Amendment #3

Article 4. Zoning Districts

Division 1. Residential Districts

Section 4-101. Single-Family Residential (SFR) District.

B. Permitted principal uses and structures. The following uses are permitted:

2. Accessory uses, buildings or structures as follows:

s. ~~Trellises.~~ Trellises are permitted in the rear setback area of properties backing onto a canal, waterway, lake or bay).

Section 4-102. Multi-Family 1 Duplex (MF1) District.

B. Permitted principal uses and structures. The following uses are permitted in the MF1 district.

1. Accessory uses, buildings or structures as follows:

q. ~~Trellises. Trellises are permitted in the rear setback area~~ of properties backing onto a canal, waterway, lake or bay.

Section 4-103. Multi-Family 2 (MF2) District.

B. *Permitted principal uses and structures. The following uses are permitted in the MF2 District.*

1. *Accessory uses, buildings or structures as follows:*

- m. *Trellises. Trellises are permitted in the rear setback area of properties backing onto a canal, waterway, lake or bay.*

Section 4-104. Multi-Family Special Area (MFSA) District.

B. *Permitted principal uses and structures. The following uses are permitted in the MFSA District.*

1. *Accessory uses, buildings or structures as follows:*

- j. *Trellises. Trellises are permitted in the rear setback area of properties backing onto a canal, waterway, lake or bay.*

Division 2. Overlay and Special Purpose Districts

Section 4-204. Special Use (S) District.

B. *Permitted uses. The following uses are permitted in the S District subject to the standards in this Section and other applicable regulations in Article 5:*

1. *Accessory uses, buildings or structures as follows:*

- a. *Emergency preparedness shelter.*
b. *Fountains.*
c. *Flagpoles.*
d. *Planters.*
e. *Recreational equipment.*
f. *Reflecting pool(s).*
g. *Screen enclosure.*
h. *Swimming pool.*
i. *Trellises. Trellises are permitted in the rear setback of properties backing onto a canal, waterway, lake or bay.*

Division 3. Nonresidential Districts

Section 4-301. Commercial Limited (CL) District.

A. *Permitted uses. The following uses are permitted in the Commercial Limited District subject to the standards in this Section and other applicable regulations in Article 5:*

1. *Accessory uses, buildings or structures as follows:*

- a. *Flagpoles.*
b. *Fountains.*

- c. Planters.
- d. Reflecting pool(s).
- e. Trellises. Trellises are permitted in the rear setback of properties backing onto a canal, waterway, lake or bay.

Section 4-302. Commercial District (C).

B. Permitted uses. The following uses are permitted subject to the standards in this Section and other applicable regulations in Article 5:

- 1. Accessory uses, buildings or structures as follows:
 - a. Flagpoles.
 - b. Fountains.
 - c. Planters.
 - d. Reflecting pool(s).
 - e. Trellises. Trellises are permitted in the rear setback of properties backing onto a canal, waterway, lake or bay.

Section 4-303. Industrial District (I).

B. Permitted uses. The following uses are permitted in the I District subject to the standards in this Section and other applicable regulations in Article 5:

- 1. Accessory uses, buildings or structures as follows:
 - a. Flagpoles.
 - b. Fountains.
 - c. Planters.
 - d. Reflecting pool(s).
 - e. Trellises. Trellises are permitted in the rear setback of properties backing onto a canal, waterway, lake or bay.

Text Amendment #4

Article 5. Development Standards

Division 1. Accessory Uses

Section 5-113. Trellises.

~~Trellises shall~~ may be permitted as an accessory use ~~in a single family district or as an accessory to a multi-family dwelling~~ subject to review and approval by the City Architect or the assigned Development Review Official and the following:

A. Trellises may be constructed of the following materials:

- ~~A.~~ 1. All wood members shall be constructed of one of the following approved materials:

- ~~1.~~ a. *Solid select heart cypress.*
- ~~2.~~ b. *Solid heart mahogany.*
- ~~3.~~ c. *Solid heart teak.*
- ~~4.~~ d. *Solid heart cedar.*
- ~~5.~~ e. *Clear vertical grain redwood.*
- ~~6.~~ f. *Pressure treated pine or fir ~~except creosote pressure treated wood.~~*
- ~~7.~~ g. *Similar type or quality of wood to those noted above, as approved by the City Architect or Development Review Official (DRO). ~~All other wood members may be constructed of all the above materials including~~ Creosote pressure treated wood is prohibited.*

- ~~B.~~ 2. *Trellises may be constructed of ~~e~~Composite materials.*
3. *Metal.*

~~€B.~~ *All supporting members for wood trellises shall be anchored to a concrete foundation with approved metal clips used in such a manner as to prohibit the wood from touching the concrete.*

~~ƉC.~~ *Fastening clips, hurricane clips, etc., used in the construction of the trellis shall be concealed from view with moldings, cover boards, etc.*

~~€D.~~ *No materials such as, but not limited to, fiberglass screening, glass, plastic panels or aluminum panels shall be placed upon or attached to the trellis.*

~~ƑE.~~ *The height of the trellis shall be subject to approval by the City Architect.*

~~G€.~~ *The setbacks for trellises shall be governed by the same minimum setbacks as required for the main or principal building, except as noted otherwise herein.*

~~HG.~~ *~~All trellises may be stained or painted to be harmonious with t~~The color of a trellis shall be compatible with the main or principal building.*

~~H.~~ *All trellises shall be maintained and kept in good order and repair.*

Text Amendment #5

Article 8. Definitions

Trellis means a frame or structure of latticework used as a decorative feature which may be free-standing or attached to a structure.

~~**Wood trellis** means a permanent wood frame supporting open latticework, used for training vines and other creeping plants.~~

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 “Official 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. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2010.
(Moved: ____ / Seconded: ____)
(____, _____, _____, _____, _____)
(Vote: ____-____)
(Agenda Item ____)

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY