

**City of Coral Gables
Planning Department Staff Report**

To: Planning and Zoning Board Members

From: Planning Department

Date: October 13, 2010

Subject: **Zoning Code Text Amendment – Article 5, Division 14, “Parking, Loading, and Driveway Requirements”.** An Ordinance of the City Commission of Coral Gables, Florida amending the Official Zoning Code, Article 5, “Development Standards,” Division 14, “Parking, Loading, and Driveway Requirements,” Section 5-1404, “Materials, construction and drainage”, to clarify language used to cite for vehicles parked on unapproved surfaces; and, providing for severability, repealer, codification, and an effective date.

Recommendation

The Planning Department in association with the Building and Zoning Department recommends approval of the amendment to Zoning Code Article 5, “Development Standards,” Division 14, “Parking, Loading, and Driveway Requirements,” Section 5-1404, “Materials, construction and drainage”, to clarify language used to cite for vehicles parked on unapproved surfaces.

Background

The Building and Zoning Department is proposing to amend the text of the Zoning Code to clarify the language used to cite vehicles parked on unapproved surfaces. The Zoning Code language is ambiguous and does not specifically state that vehicles cannot park on unapproved surfaces. The result is that tickets are being dismissed at code enforcement ticket hearings due to this issue.

The Building and Zoning Department has provided for the Board’s review and information a completed Zoning Code Text Amendment Request form (see Attachment A). A draft Ordinance containing specific language in ~~strike thru~~/underline format has been prepared for the proposed Zoning Code text amendment (see Attachment B). The Building and Zoning Department has also provided for the Board’s review photographic examples of vehicles parked on approved and unapproved surfaces (see Attachment C).

The Building and Zoning Department will present the proposed amendment to the Board at the meeting and will secure input and testimony from the Board and public.

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Public Hearing Timeline

The proposed text amendment is tentatively scheduled to proceed forward for 1st Reading before the City Commission on October 26, 2010.

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.

Respectfully submitted,

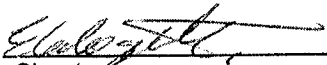
A handwritten signature in black ink, appearing to read 'Eric Riel, Jr.', is written over the text 'Respectfully submitted,'.

Eric Riel, Jr.
Planning Director

Attachment:

- A. Zoning Code Text Amendment Request form.
- B. Draft Ordinance.
- C. Photographic examples of vehicles parked on approved and unapproved surfaces.

City of Coral Gables Zoning Code Text Amendment Request

Date of request: May 27, 2010	CITY OF CORAL GABLES PLANNING DEPARTMENT 2010 JUN -2 AM 10:35
Sponsoring department(s): Building & Zoning Dept.	
Code section(s) to be amended (attach additional sheets as necessary): Zoning Code 5-1404 - Materials, Construction and Drainage	
Purpose or explanation of text amendment (attach additional sheets as necessary): <p>In order to achieve better clarity of this particular section, the Code Enforcement Division recommends amendments to the language used to cite for vehicles parked on unapproved surfaces.</p> <p>At the Code Enforcement Ticket Hearing attorneys have been challenging the wording of the code. The word vehicle is missing in the code and it also does not specify that a vehicle cannot park on the grass on private property.</p> <p>Because of missing language the hearing officer has been throwing out any cases we bring before him/her.</p>	
Proposed text amendment (attach additional sheets as necessary): <p>Section 5-1404. Materials, construction and drainage.</p> <p>C. <u>Parking of vehicles on any surface on private property other than the aforementioned surfaces shall be prohibited.</u></p>	
Sponsoring department(s) signature: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <u>Eli Gutierrez</u> <small>Print name</small> </div> <div style="text-align: center;">  <small>Signature</small> </div> <div style="text-align: center;"> <u>6/2/10</u> <small>Date</small> </div> </div>	

CITY OF CORAL GABLES, FLORIDA**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 14, "PARKING, LOADING, AND DRIVEWAY REQUIREMENTS," SECTION 5-1404, "MATERIALS, CONSTRUCTION AND DRAINAGE", TO CLARIFY LANGUAGE USED TO CITE FOR VEHICLES PARKED ON UNAPPROVED SURFACES; AND, PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Building and Zoning Department has requested a Zoning Code text amendment to achieve better clarity within the section of the Zoning Code that provides language used to cite vehicle parked on unapproved surfaces; and,

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on October 13, 2010, 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 _____ (vote: _ - _) of the text amendment; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on October 26, 2010 at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with the text amendment to the Official Zoning Code, and after due consideration and discussion, _____ the text 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 noted in ~~strike through~~/underline format):

Article 5. Development Standards

Division 14. Parking, Loading, and Driveway Requirements

Section 5-1404. Materials, construction and drainage.

- A. Surfacing. Surfacing of all access aisles, driveways and off-street parking areas shall be composed of one or more of the following:*
- 1. Asphalt.*
 - 2. Chattahoochee gravel laid in asphalt with all loose gravel removed.*
 - 3. Clay or cement brick.*
 - 4. Concrete.*
 - 5. Decorative concrete pavers.*
 - 6. Loose gravel, provided that areas of loose gravel are set back five (5) feet from all property lines and bordered by another permitted driveway material.*
 - 7. Rock laid in asphalt with all loose gravel removed.*
 - 8. Wood block.*
- B. Engineering standards. The design, materials, drainage requirements, and engineering specifications of parking spaces, access aisles, driveways, points of ingress and egress, turnarounds, and other related items not specifically addressed in this Division shall comply with the technical standards promulgated or approved by the Director of the Public Works Department.*
- C. Parking of vehicles on any surface on private property other than the aforementioned surfaces shall be prohibited.*

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

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Photographic examples of vehicles parked on approved and unapproved surfaces

Example #1: Vehicle parked on unapproved surface on private property



Example #2: Vehicle parked on unapproved surface on private property



Example #3: Vehicle parked on unapproved surface on private property



Example #4: Vehicle parked on unapproved surface on private property



Example #5: Vehicle parked on approved surface on public property



Example #6: Vehicle parked on approved surface on public property



Example #7: Vehicle parked on approved surface on public property



Example #8: Vehicle parked on approved surface on public property

