

## 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 4-104, "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.

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### 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 4-104, "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 ~~strikethru~~/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, 1<sup>st</sup> Reading – May 25, 2010, 9:00 a.m. (Tentative)*  
*City Commission, 2<sup>nd</sup> Reading – June 8, 2010, 9:00 a.m.*

The above dates and times are subject to change.

### **Public Notification**

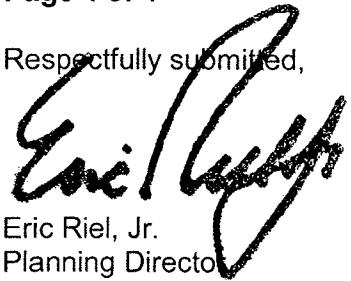
The Planning and Zoning Board meeting agenda has been advertised and posted on the City web page. The staff report and attachments are also posted on the City web page.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Riel, Jr." with a stylized "Riel".

Eric Riel, Jr.  
Planning Director

**Attachments:**

- A. Draft Ordinance.

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