



City of Coral Gables
CITY COMMISSION MEETING
July 11, 2017

ITEM TITLE:

A Resolution of the City Commission of the City of Coral Gables implementing Chapter Law 2017.149 as it relates to painting permits, recognizing that Coral Gables has a long history of regulating color palettes as a zoning matter independent of building code requirements relating to painting, continuing to require color palette zoning permits under its home rule authority as changes in the color palette of a residence have not been preempted or otherwise addressed by Chapter Law 2017.149, removing any administrative fee related thereto, recognizing authority of the City Architect to grant administrative approval where color palette is the same or pre-approved, and recognizing administrative process to appeal or seek review of decisions related to the color palette zoning process, including ultimately to the City Commission.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

BRIEF HISTORY:

For nearly 100 years the City of Coral Gables has regulated color palettes for residences and commercial buildings as a zoning matter independent of building code requirements. In fact, the aesthetic review of color palettes is a fundamental and historic element of the beauty and harmony of the City of Coral Gables, as evidenced by the City's Charter, the City's Codes and by historic publications, including the October 1924 edition of the National Builder, which described George Merrick as "deserving of commendation for having a vision [that] has obtained results by holding control of...the local color of the town". Phineas E. Paist, *Color- Stucco*, National Builder (Oct. 1924).

While Chapter law 2017.149 preempts local governments from requiring a paint permit to paint a residence, it does not preempt or otherwise address changes in the color palette of a residence, as explained in City Attorney Opinion 2017-034.

Requiring residents to obtain a no-fee color palette zoning permit, rather than a paint permit, when the color of a residence is affected in any way, is consistent with the City's longstanding practice of regulating color as a zoning matter under Section 34e of the Coral Gables Charter and is enforceable under the City's home rule powers.

The City Architect shall be responsible for issuing the no-fee color palette zoning permit and shall have the authority to grant administrative approval where the color palette is the same or pre-approved. The City Architect shall also oversee the administrative process to appeal or seek review of decisions related to the color palette zoning process, including ultimately to the City Commission.

ATTACHMENT(S):

- 1. Draft Resolution**
- 2. City Attorney Opinion 2017-034**
- 3. October 1924 edition of the National Builder**