

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO.

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.

WHEREAS, Chapter Law 2017.149 preempts local governments from requiring a paint permit to paint a residence, regardless of whether the residence is owned by a limited liability company; and

WHEREAS, Chapter Law 2017.149, entitled “An act relating to construction”, does not preempt or otherwise address changes in the color palette of a residence, as explained in City Attorney Opinion 2017-034; instead, Chapter Law 2017.149 enacts Florida Building Code amendments and regulates building permits; and

WHEREAS, the City has for nearly 100 years regulated color palettes for residences and commercial buildings within the City as a zoning matter independent of building code requirements; and

WHEREAS, regulating 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”; and

WHEREAS, requiring a color palette zoning permit is consistent with the City’s longstanding practice of regulating color as a zoning matter, as indicated in Section 34e of the

Coral Gables Charter, and is enforceable under (i) the Municipal Home Rule Amendment, Florida Constitution, Article VIII, Section 2(b), (ii) the Municipal Home Rule Powers Act, Florida Statutes, Chapter 166, (iii) the Miami-Dade Home Rule Amendment, Florida Constitution, Article VIII, Section 6; (iv) the Miami-Dade Home Rule Charter, Section 6.02; and (v) the Coral Gables Charter, Preamble and Sections 33, 34d, and 34e; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

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 Resolution upon adoption hereof.

SECTION 2. The City Commission of the City of Coral Gables hereby implements 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.

SECTION 3. The City will continue to require color palette zoning permits under its laws and home rule authority as changes in the color palette of a residence have not been preempted or otherwise addressed by Chapter Law 2017.149, and the City will remove any administrative fee related thereto, recognizing the authority of the City Architect to grant administrative approval for certain color palette zoning permits and establishing an administrative process to appeal or seek review of decisions related to the color palette zoning process, including ultimately to the City Commission.

SECTION 3. That said resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF JULY, A.D., 2017

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN